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LAWS

OF THE

STATE OF ILLINOIS:

ENACTED BY THE

THIRTY-FIRST GENERAL ASSEMBLY.

CONVENED JANUARY 8, 1879,
ADJOURNED *Sine Die*, MAY 31, 1879.

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PUBLIC LAWS OF ILLINOIS.

AGRICULTURE.

§ 1. Amends law, and provides for the election of State Board of Agriculture.

AN ACT *to amend section one* (1) *of an act entitled, "An Act to revise the law in relation to the Department of Agriculture, County Agricultural Boards and Agricultural Fairs." Approved March* 27, 1874, *in force July* 1, 1874. *Approved April* 9, 1875, *in force July* 1, 1875. *Approved May* 29, 1879, *in force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section one (1) of an act entitled, "An act to revise the law in relation to the Department of Agriculture, County Agricultural Boards, and Agricultural Fairs," approved March 27, 1874, in force July 1, 1874, approved April 9, 1875, and in force July 1, 1875, be amended so as to read as follows:

SECTION 1. The Department of Agriculture, for the promotion of agriculture and horticulture, manufacturers and the domestic arts, shall be continued, and shall be managed by a board, styled, "The State Board of Agriculture," to consist of a president, and one vice-president from each congressional district in this State, and of the last ex-president of the State Board of Agriculture; said president and vice-presidents to be elected on the fair grounds on the first Wednesday of the annual State fair in 1880, and every two years thereafter on Wednesday of the week of the State fair, by delegates or alternates chosen by the several county, union or district agricultural boards, in counties where such boards exist, and by the board of supervisors, or the county board, as the case may be, in counties where no agricultural board exists; each county to be entitled to three delegates, and no more. *Provided*, that in counties having more than one agricultural organization, which shall have complied with the provisions of this act, said delegates, shall be chosen by the several county, union or district agricultural societies, in such manner as the various organizations may themselves agree, if they fail in agreeing, then the State Board of Agriculture shall prescribe. The members of the State Board of Agriculture, shall enter upon the duties of their office, on the second Tuesday of January succeeding their election, and shall hold their office for two years, and until their successors are elected and enter upon their duties. *Provided*, that in case any such county, union or district board shall have failed, or shall hereafter fail to hold fairs, or otherwise comply with the provisions of section eight (8) of this act, for three consecutive years, such board, shall forfeit all right to benefits accruing under section 13 of this act, and any other agricultural association which may have complied, or which may comply with the provisions of this act, shall be entitled to such benefits.

APPROVED May 29, 1879.

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APPROPRIATIONS.

AGRICULTURE—STATE BOARD.

§ 1. Appropriations for 1879 and 1880.
§ 2. When and how drawn.
§ 3. Payment to district and county boards.

AN ACT *making an appropriation for the State Board of Agriculture, and the County and other subordinate boards of agriculture. Approved May* 24, 1879. *In force July* 1, 1879.

SECTION 1. [APPROPRIATIONS FOR 1879 AND 1880.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That there be and is hereby appropriated to the State Board of Agriculture, the sums following, to-wit: For the payment of premiums at the annual State fair, the sum of three thousand dollars, per annum, for the years 1879 and 1880; and for the use of county, district or other subordinate agricultural boards, the sum of one hundred dollars, per annum, each, for the years 1879 and 1880. For the salary of the secretary, the sum of two thousand dollars per annum for the years 1879 and 1880. For clerk hire, the sum of one thousand dollars, per annum for the years 1879 and 1880. For porter, the sum of six hundred dollars, per annum, for the years 1879 and 1880. For curator, the sum of six hundred dollars, per annum, for the years 1879 and 1880. For the museum, the sum of fifteen hundred dollars, per annum for the years 1879 and 1880. For the expense of collecting and publishing monthly crop statistics, the sum of one thousand dollars per annum for the years 1879 and 1880. For the purchase of books, maps and charts, the sum of five hundred dollars per annum, for the years 1879 and 1880. For repairs, postage, expressage and other incidental office expenses, the sum of five hundred dollars, per annum for the years 1879 and 1880.

§ 2. [WHEN AND HOW DRAWN.] That on the order of the president, countersigned by the Secretary of the State Board of Agriculture, and approved by the Governor, the State Auditor shall draw his warrant upon the treasurer in favor of the Treasurer of the State Board of Agriculture for the sums herein appropriated: *Provided*, That each warrant shall show the Agricultural Board for whose benefit the same is drawn, and that no warrant shall be drawn in favor of any agricultural board unless the order aforesaid be accompanied by a certificate of the State Board of Agriculture, showing that such subordinate district or county agricultural board have held an agricultural fair during the preceding year in compliance with the rules and regulations, as provided for by law: *Provided, further*, That no part of the moneys herein provided for shall be drawn from the public treasury prior to the first day of July A. D. 1879.

§ 3. [PAYMENT TO DISTRICT AND COUNTY BOARDS.] It shall be the duty of the Treasurer of the State Board of Agriculture to pay over to the proper officer of the subordinate district or county agricul-

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tural board the sum received for its use and benefit, as aforesaid, and to make a biennial report to the Governor of all such appropriations received and disbursed by him.

APPROVED May 24, 1879.

AGRICULTURAL COLLEGE.

§ 1. Lands to be sold.
§ 2. Appraisers compensation.
§ 3. Auditor to advertise and sell.
§ 4. Subdivision into tracts.
§ 5. Deed—Mortgage.
§ 6. Time of sale—notice.
§ 7. Manner of sale.
§ 8. Payment—application of fund.
§ 9. Appropriation to pay indebtedness.
§10. Emergency.

AN ACT *authorizing the sale of lands owned by the State of Illinois, and known as the Illinois Agricultural College Farm, at Irvington, and to appropriate money to discharge the liens thereon. Approved and in force May* 31, 1879.

SECTION 1. [LANDS TO BE SOLD.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all the lands connected with and adjacent to the Illinois Agricultural College, situate in the town of Irvington, county of Washington, State of Illinois, belonging to the State of Illinois, being five hundred and sixty (560) acres, more or less, the title to which was vested in the State by virtue of the decree of the circuit court of Washington county, rendered at the April term thereof, 1878, shall be sold as hereinafter provided and set forth:

§ 2. [APPRAISERS—COMPENSATION.] That three (3) competent, disinterested men shall be duly appointed by the Governor of the State to appraise said lands at a fair valuation, at a time prior to such sale. Said appraisers shall be duly sworn to discharge the duties imposed upon them by this act in a fair and impartial manner, and shall each receive the sum of twenty (20) dollars in full for such service, and mileage at the rate of ten (10) cents a mile from the place of their residence to Irvington and return, said mileage to be properly certified under oath. Said appraisers shall return, without delay, such appraisement made to the Auditor of Public Accounts.

§ 3. [AUDITOR TO ADVERTISE AND SELL.] That the Auditor of Public Accounts of the State of Illinois, is hereby empowered to advertise and sell said lands, subject to the conditions hereinafter set forth in this act, and shall report without delay to the Governor of the State all his proceedings under this act.

§ 4. [SUBDIVISION INTO TRACTS, ETC.] The Auditor shall, prior to such sale, cause said lands to be subdivided into lots or tracts of such size as will, in his judgment, sell most advantageously; and shall sell each tract separate, unless it shall appear from bids made at such sale, that two or more tracts can be sold in a body for as great a sum as if sold separately.

§ 5. [DEEDS—MORTGAGE.] That upon making such sale the Auditor shall, in behalf of the State, execute to the purchasers deeds for the

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property sold; and shall take from such purchasers mortgage upon the property sold, running to the people of the State of Illinois to secure the deferred payments of purchase money and interest. Said mortgage shall contain a provision that if default is made in the payment of any of the annual installments of interest or principal, the whole amount of the deferred payments shall immediately become due and payable.

§ 6. [TIME OF SALE—NOTICE.] That said sale shall be held as soon as practicable after the passage of this act, and thirty (30) days notice of such sale, shall be given by the Auditor by publication in one or more newspapers in said Washington county, in at least one daily newspaper in the cities of Springfield and Chicago, Illinois, stating the time, place and terms of sale, and a description of the property to be sold.

§ 7. [MANNER OF SALE.] That said lands shall be sold to the highest and best bidder, at some convenient place on or near said lands, at the date and hour elected by said Auditor in said advertisements, on the following named terms to-wit: One-fifth (1-5) of the purchase money to be paid cash in hand; the unpaid balance to be paid in annual installments of one (1), two (2), three (3), and four (4) years, the purchaser to give negotiable notes drawing interest at the rate of six (6) per centum, payable annually, secured by mortgage on the lands so sold. *Provided*, such sale shall not be made, for a less sum than two-thirds of the amount of the appraisement.

§ 8. [PAYMENT—APPLICATION OF FUND.] That immediately upon the conclusion of said sale, the purchase money together with the money in payment of said notes when due, shall be paid into the treasury of the State of Illinois, and after reserving therefrom sufficient to pay the expenses of sale, and the amount expended to discharge liens, and incumbrances, upon the property, the residue to be applied to educational purposes as may be hereafter provided by law, in conformity to the requirements of the act of Congress, and the ordinance of 1818, under which the seminary lands were granted to the State.

§ 9. [APPROPRIATION TO PAY INDEBTEDNESS.] WHEREAS, Said lands are encumbered by a trust deed and certain judgment liens, there is hereby apppropriated a sufficient amount to pay the amount due for principal and interest of the note for two thousand ($2,000) dollars, secured by trust deed upon said premises, and also the judgments (interest and costs) rendered in the Circuit Court of Washington county, in said decree mentioned as follows: One in favor of Fannie F. Rice for four hundred and twenty-six dollars and 99-100 ($426 99); one in favor of D. W. Phillips for one thousand and twelve dollars and 34-100 ($1,012 34); one in favor of George H. French for nine hundred and thirty-eight 78-100 dollars ($938 78); one in favor of George W. Ash for twelve hundred and seventy dollars ($1,270), and that warrants therefor, be drawn in favor of the holder of the note, secured by said trust deed, and of said secured judgments payable out of any money in the treasury not otherwise appropriated.

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§ 10 [EMERGENCY.] WHEREAS, It is desirable that the relief asked for in this act should be granted immediately, therefore, an emergency is declared to exist and this act shall be in force from and after its passage,

APPROVED May 31st, 1879.

STATE CHARITABLE INSTITUTIONS.

BLIND—EDUCATION OF THE.

§ 1. Appropriations for expenses, etc. | § 2. How drawn.

AN ACT *making appropriations for the expenses of the Illinois Institution for the Education of the Blind. Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. [APPROPRIATIONS FOR EXPENSES FOR 1880 AND 1881.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That there be and are hereby appropriated to the Illinois Institution for the Education of the Blind, for ordinary expenses, the sum of twenty-one thousand dollars ($21,000), for the year 1880; and the sum of twenty-five thousand dollars ($25,000) for the year 1881; and for repairs and improvements the sum of one thousand dollars ($1,000) per annum; the foregoing amounts to be paid quarterly, in advance, from the first day of July, 1879, to the expiration of the first fiscal quarter, after the adjournment of the next General Assembly; and for the purchase of books, maps and other educational and mechanical appliances, to be distributed gratuitously to such pupils leaving the institution as are not able to pay for the same, the sum of three hundred dollars, per annum, and for new fronts to and for resetting the present boilers the sum of seven hundred and eighty-four ($784) dollars; and for pipes, stand-pipe, hose and connections to protect the building against destruction by fire the sum of eight hundred and fifty ($850) dollars and for dining-room and kitchen the sum of twenty-four hundred ($2,400) dollars.

§ 2. [HOW DRAWN.] The Auditor of Public Accounts is hereby authorized to draw his warrant on the treasury for said sums, upon the orders of the board of trustees of said institution signed by the president, and attested by the secretary of said board of trustees, with the seal of the institution subject to the limitations and conditions prescribed by law in an act to regulate the State Charitable Institutions, approved April 15th, 1875.

APPROVED May 31st, 1879.

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CAIRO QUARANTINE.

§ 1. Appropriates $4,951. | § 2. When and how drawn.

AN ACT *making appropriation to re-imburse the city of Cairo for expense of quarantine, under direction of the State Board of Health. Approved May* 20, 1879. *In force July* 1, 1879.

WHEREAS, During the prevalence of the yellow fever epidemic in the southern portion of the country during the summer and fall of last year, the city of Cairo, under advice and direction from the State Board of Health, and through an honest desire to prevent the scourge from entering the state, established and maintained a quarantine at considerable expense to said city and which quarantine resulted of greater benefit to the people of the state at large than to the citizens of said city of Cairo, and,

WHEREAS, The said city of Cairo, in addition to the expense incurred for quarantine was under a very heavy expense in caring for the sick and distressed, during the prevalence of the epidemic, receiving no assistance from any quarter therefor, and

WHEREAS, It seems proper and right that the said city of Cairo should be re-imbursed by the State for the expenditures made in connection with the quarantine so established and maintained as above, therefore,

SECTION 1. [APPROPRIATES $4,951.] *Be it enacted by the People of of the State of Illinois, represented in the General Assembly*, that the sum of four thousand nine hundred and fifty-one ($4,951) dollars, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated to re-imburse the said city of Cairo, as above set forth.

§ 2. [WHEN AND HOW DRAWN.] The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the treasury, payable to the treasurer of the said city of Cairo, for the sum above appropriated.

APPROVED May 20th, 1879.

CANAL—ILLINOIS AND MICHIGAN.

1. Appropriates $30,000 per annum.
2. How paid.
3. Commissioners to keep an account.
4. Not to be paid to attorneys.

AN ACT *making appropriations for the necessary repairs and running expenses of the Illinois and Michigan Canal, until the expiration of the first fiscal quarter, after the adjournment of the next General Assembly. Approved May* 21, 1879. *In force July* 1, 1879.

SECTION 1. [APPROPRIATES $30,000 YEARLY.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That for the purpose of making necessary repairs and providing means to put and keep the Illinois and Michigan Canal in navigable condi-

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tion, until after the adjournment of the next General Assembly; there is hereby appropriated from the State treasury for the first year, the sum of thirty thousand dollars ($30,000), and for the second year the sum of thirty thousand dollars ($30,000), or so much of each as may be absolutely necessary for that purpose: *Provided*, that no portion of the money hereby appropriated, shall be used for the purposes above specified, until all the surplus earnings of the canal have been fully exhausted in making needed repairs, and defraying necessary expenses of operating the said canal.

§ 2. [How paid.] The appropriations made by this act shall only be paid upon detailed statements made by the canal commissioners filed with the Auditor bearing the order of the canal commissioners and the approval of the Governor.

§ 3. [Commissioners to keep account.] Said board of canal commissioners shall keep an accurate and detailed account of all moneys received by them from every source, together with their disbursements and expenditures of every kind and nature, and at the end of each quarter transmit to the Auditor of Public Accounts, a full and complete statement, showing in detail the amount of money received during said preceding quarter, from every source, and how and to whom the same has been disbursed.

§ 4. [Not to be paid to attorneys.] No part of the sum hereby appropriated, nor part of any sum now in the hands or control of the commissioners of the said Illinois and Michigan Canal, shall be used for the payment of any attorney or attorneys employed in any suit to recover possession of the property known as the "Lake Front" in the city of Chicago.

Approved May 21st, 1879.

CLAIMS.

P. W. HARTS—AWARD BY COMMISSION OF CLAIMS.

§ 1. Appropriates $891. | § 2. Emergency.

An Act *making an appropriation for the payment of awards made by the commission of claims to P. W. Harts, a creditor of the State. Approved and in force May 29th*, 1879.

Whereas, under the law of May 29th, 1877, a commission of claims was created to examine all claims against the State of Illinois, and to judicially determine the rights of claimants against the State; and whereas, said commission of claims, at their session in August 1878, did examine claim No. 25, of P. W. Harts, for stationery and supplies furnished on the order of the Secretary of State and on the order of the Adjutant General in 1871 and 1872, amounting to $1,058.30, and interest, allowing on said claim the part of the bill ordered by the

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Secretary of State amounting to eight hundred and ninety-one dollars ($891.00); and, whereas, the Auditor has reported said finding and award of the commission of claims in his report to the Governor of Illinois, dated November 1st, 1878, on page X and XI.

SECTION 1. [APPROPRIATES $891.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the sum of eight hundred and ninety-one dollars ($891.00), the sum allowed by said commission of claims in favor of P. W. Harts, be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to be paid to P. W. Harts, or his solicitor of record upon the warrant of the Auditor, approved by the Governor.

§ 2. [EMERGENCY.] WHEREAS, the appropriation herein asked for is to pay the expenses of the State government under previous administrations, incurred by want of a sufficient appropriation; and, whereas, in justice to the party named, as a creditor of the State, it is necessary that this law should take effect and be in force from and after its passage. Therefore it is declared that an emergency exists, and that this law take effect and be in force from and after its passage.

APPROVED May 29, 1879.

CHARLES C. WARREN, FOR PROFESSIONAL SERVICES.

§ 1. Appropriates $600. | § 2. How drawn.

AN ACT *to compensate Charles C. Warren, Esq, for professional services on behalf of the State before the joint committee of the 30th General Assembly, to investigate damages caused by the construction of the dams at Henry, on the Illinois river, and at New Haven, on the Little Wabash river. Approved May 31st*, 1879. *In force July* 1, 1879.

WHEREAS, It appears from the report of the joint committee appointed by the 30th General Assembly, to investigate claims for damages caused by the contruction of the dams at Henry, on the Illinois river, and at New Haven on the Little Wabash river, made to the present General Assembly, that Charles C. Warren, Esq., of Princeton, rendered valuable aid to the State, in defending the same, against the claims filed and prosecuted before said committee, with the understanding that said committee would recommend to the General Assembly, the payment of a reasonable fee for his services, which recommendation has been made by said committee in their report; therefore:

SECTION 1. [APPROPRIATES $600.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That there be and is hereby appropriated to Charles C. Warren Esq., of Princeton in said State, the sum of six hundred dollars ($600), for professional services on behalf of the State, before said commissioners at their instance, to be paid out of any money in the treasury not otherwise appropriated.

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§ 2. [How drawn.] The Auditor shall draw his warrant on the treasury for the said sum, payable to the said Charles C. Warren, at his request.

Approved May 31, 1879.

CLAIMS.

QUINCY SAVINGS BANK—AWARD BY COMMISSION OF CLAIMS.

Section 1. Appropriates $89 98.

An Act *making an appropriation to pay the claim of the Quincy Savings Bank against the State, allowed by the commission of claims. Approved May* 29, 1879. *In force July* 1, 1879.

§ 1. [Appropriates $89 88. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the sum of eighty-nine dollars and ninety-eight cents ($89 98), be and the same is hereby appropriated out of the State Treasury to pay the claim of the Quincy Savings Bank against the State, for taxes illegally assessed and collected, allowed by the commission of claims; and the Auditor of Public Accounts is hereby authorized to draw his warrant on the State Treasury for said amount in favor of the Quincy Savings Bank.

Approved May 29th, 1879.

CONVICTS—FOR TRANSFERRING.

§ 1. Appropriates $1,639 10.
§ 2. When and how drawn.
§ 3. Emergency.

An Act *making appropriation to pay the expense of transferring two hundred* (200) *convicts from the Illinois State Penitentiary at Joliet, to the Southern Illinois Penitentiary at Chester, on the 21st day of March*, 1878. *Approved and in force May* 21, 1879.

Section 1. [Appropriates $1,639 10.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the sum of one thousand six hundred and thirty-nine dollars and ten cents ($1,639 10) be, and the same is, hereby appropriated to pay the expenses of transferring two hundred (200) convicts from the Illinois State Penitentiary to the Southern Illinois Penitentiary, by order of the Governor, on the 21st day of March, 1878.

§ 2. [When and How Drawn.] That the Auditor of Public Accounts is hereby authorized and directed to draw his warrant, payable to R. W. McClaughry, Warden, for the aforesaid sum, when he shall furnish vouchers for the payment of the same, approved by the Governor.

§ 3. [Emergency.] Whereas, The aforesaid sum is due and owing, and has been, since March 21st, 1878, therefore an emergency exists, and this act shall be in force from and after its passage.

Approved May 21st, 1879.

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COURTS.

ALTON CITY COURT—DUE PROSECUTING ATTORNEY.

§ 1 Appropriates $500.

AN ACT *to appropriate balance of salary due the Prosecuting Attorney of the Alton City Court for the two years ending September 14th*, 1871. *Approved May* 29, 1879. *In force July* 1, 1879.

WHEREAS, The Prosecuting Attorney of the Alton City Court was by law entitled to an annual salary of five hundred dollars, ($500), for the two years ending September 14th, 1871, and the General Assembly, at its session, A. D. 1869, appropriated only the sum of two hundred and fifty dollars ($250), per year for said two years, thus leaving due to said prosecuting attorney the sum of two hundred and fifty dollars for each of said two years, which sum remains unpaid; and,

WHEREAS, Levi Davis, Jr. was the Prosecuting Attorney of the Alton City Court during said two years; therefore:

SECTION 1. [APPROPRIATES $500.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the sum of five hundred dollars ($500) be and the same is hereby allowed and appropriated to pay the balance of salary due said Levi Davis, Jr., as prosecuting attorney of the Alton City Court for the two years ending September 14th, 1871, and that the Auditor of Public Accounts draw his warrant on the State Treasurer, in favor of said Levi Davis, Jr., for said sum of five hundred dollars ($500), to be paid out of any money in the treasury not otherwise appropriated.

APPROVED May 29th, 1879.

APPELLATE COURT, FIRST DISTRICT.

§ 1. Appropriates $8,350. | § 2. Emergency.

AN ACT *to make an appropriation for the payment of the expenses heretofore incurred, of the Appellate Court for the first district. Approved and in force May* 16, 1879.

WHEREAS, By section eighteen of an act entitled, "An act to establish Appellate Courts," approved June 2, 1877, it was provided that the judges assigned to hold the Appellate Court in said First District, should rent suitable rooms in the city of Chicago, for the holding of said court and for the use of the officers thereof, at a rental not ex-

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ceeding five thousand dollars per annum, and to provide all necessary furniture therefor, and for the safe keeping of the records of said court, and that the accounts therefor should be certified by said court to the Auditor of Public Accounts, who should draw his warrant on the State Treasury, for the amount of the same, to be paid out of the appropriation that should be made therefor; and

WHEREAS, No appropriation was made by the last General Assembly for the payment of the expenditures so directed to be made by the judges of said court; and,

WHEREAS, The judges of said court, did, in pursuance of said act, rent suitable rooms in the city of Chicago, for the holding of said court, and for the use of the officers thereof, by lease, expiring June 1, 1879, and did provide necessary furniture therefor, and for the safe keeping of the records of said court; and have, in so doing, incurred for, and on behalf of the state, liabilities, which, together with the necessary incidental expenses of holding said court, from the time of its organization up to June 1, 1879, as nearly as the same can be ascertained or estimated, amount to the sum of eight thousand three hundred and fifty dollars ($8,350 00); therefore

§ 1. [APPROPRIATES $8,350.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That for the purpose of paying the liabilities and expenses incurred by the judges of the Appellate Court of the First District, for rent of rooms for said court and for the use of the officers thereof, and for necessary furniture therefor, and for the safe keeping of the records of said court, and for the other expenses necessarily incidental to the holding of said court from the time of its organization to the first day of June, 1879, the sum of eight thousand three hundred and fifty dollars ($8,350), be appropriated out of the State Treasury, and that upon presentation of accounts, for said liabilities and expenditures certified by the judges of said court, or a majority of them to the Auditor of Public Accounts, the said Auditor shall draw his warrants on the State Treasury for the amount of the same, payable to the holders of such certificates out of the said appropriation hereby made.

§ 2. [EMERGENCY.] WHEREAS, It is desirable that said liabilities and expenses should be paid without further delay; therefore, an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED May 16th, 1879.

APPELLATE COURT, FIRST DISTRICT.

§ 1. Judges to provide court rooms. § 2. Appropriates $4,500.

AN ACT *to provide for renting rooms for the Appellate Court of the First District, and making an appropriation for the payment of the expenses of said court. Approved May* 24, 1879. *In force July* 1, 1879.

§ 1. [JUDGES TO PROVIDE COURT ROOMS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*,

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That the judges assigned to hold the appellate court in the first district, are hereby authorized to obtain a lease of the rooms now occupied for holding said court, to be used for the purpose of holding court and consultation rooms and for clerks office only, for a term not exceeding three years from the expiration of the present lease thereof, or to rent other suitable rooms in the city of Chicago for the holding of said court, for a term not exceeding three years from the first day of June 1879, at a rental not exceeding three thousand dollars per annum.

§ 2. [APPROPRIATES $4,500.]. For the purpose of paying the rent of said rooms and of defraying the expenses incurred by said court or necessarily incidental to holding thereof, the sum of forty-five hundred dollars per annum for the two years commencing June 1, 1879, of which amount three thousand dollars, or so much thereof as may be necessary for rent of suitable court and consultation rooms, and one thousand five hundred dollars for contingent expenses, be, and the same is hereby appropriated out of the State Treasury. And upon presentation of accounts for said rent and other expenses certified by the judges of said court or a majority of them to the Auditor of Public Accounts, the said Auditor shall draw his warrant on the State Treasury for the amount of the same, payable to the holders of such certificates, out of the appropriation hereby made.

APPROVED May 24, 1879.

APPELLATE COURT—SECOND DISTRICT.

§ 1. Appropriates $1,800. | § 2 Emergency.

AN ACT *to make an appropriation for the payment of the expenses incurred heretofore for the Appellate Court of the Second* (2d) *District. Approved May* 29, 1879. *In force June* 8, 1879.

WHEREAS, By section (18) eighteen of an act entitled "An Act to establish Appellate Courts approved June 2, 1877, it was provided that there should be held an Appellate Court in the Second (2d) Division, held at Ottawa, and,

WHEREAS, Said court has been held in accordance with law, and expense incurred in that behalf, and

WHEREAS, No appropriation was made by the last General Assembly for the payment of the expenditures so directed to be made by and for said court, therefore:

SECTION 1. [APPROPRIATES $1,800.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That for the purpose of paying the liabilities and expenses incurred appertaining to the holding of said court from the time of its organization to the first (1st) day of February A. D. 1879, the sum of eighteen hundred dollars ($1,800), or so much thereof as may necessarily be

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appropriated out of the State Treasury, and that upon presentation of accounts for said liabilities and expenditures, certified by the judges of said court, or a majority of them, to the Auditor of Public Accounts, the said Auditor shall draw his warrants on the State Treasury for the amount of the same, payable to the holders of such certificates out of the said appropriations hereby made.

§ 2. [EMERGENCY.] WHEREAS, It is desirable that said liabilities be paid without further delay; therefore an emergency exists, and this act shall go into effect within ten (10) days after its passage.

APPROVED May 29th, 1879.

APPELLATE COURT, SECOND DISTRICT.

SECTION I. Appropriates $2,000 per annum.

AN ACT *to provide for expenses and disbursements of the Appellate Court of the Second District, and to make an appropriation therefor. Approved May* 29, 1879. *In force July* 1, 1879.

§ 1. [APPROPRIATES $2,000 PER ANNUM.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That for the purpose of defraying the expenses incurred by said court or necessarily incidental to the holding thereof, the sum of two thousand dollars ($2,000) per annum, or so much thereof as may be required, is hereby appropriated, payable quarterly, out of the State Treasury, until the end of the first fiscal quarter after the adjournment of the next General Assembly, said moneys to be drawn on vouchers certified by the judges of said court or a majority of them, and approved by the Governor, presented to the Auditor of Public Accounts, who shall upon the presentation of such certified and approved vouchers, draw his warrant on the State Treasury for the quarterly payments herein provided for.

APPROVED May 29th, 1879.

APPELLATE COURT, FOURTH DISTRICT.

§ 1. Appropriates $1,305.11. | § 2. How drawn.

AN ACT *making an appropriation for the payment of the expenses heretofore incurred by the Appellate Court of the Fourth District. Approved May* 29, 1879. *In force July*, 1, 1879.

§ 1. [APPROPRIATES $1,305.11.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That

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there be appropriated the sum of thirteen hundred and five and 11-100 dollars ($1,305 11-100), out of moneys in the treasury not otherwise appropriated, for the purpose of paying the expenses heretofore incurred by the appellate court of the fourth district.

§ 2. [How DRAWN.] The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the Treasury for the moneys herein appropriated, upon the order of the clerk of said court, accompanied by detailed vouchers for said expenses, certified to by the judges of said court.

APPROVED May 29th, 1879.

APPELLATE AND SUPREME COURT REPAIRS OF COURT HOUSE, ETC. AT OTTAWA.

§ 1. Appropriates $700 for repairs.
§ 2. Appropriates $900 for State Reports.
§ 3. Appropriates $300 for text books.
§ 4. Appropriates $100 for repairs on books.
§ 5. How paid out.

AN ACT *for an appropriation for repairs of the Court House of the Supreme and Appellate Courts at Ottawa Illinois, and for the Libraries of said Courts. Approved May* 20, 1879. *In force July* 1, 1879.

§ 1. [APPROPRIATES $700 FOR REPAIRS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That there shall be appropriated for the purpose of putting a new tin roof upon the Court House of the Supreme and Appellate Court at Ottawa Illinois, with eaves troughs, and for painting the same, and putting down a new floor on the portico, the sum of seven hundred dollars ($700.00).

§ 2. [PURCHASE OF STATE REPORTS.] That there be appropriated for the purpose of supplying the library of said courts, with State reports, the sum of nine hundred dollars ($900.00).

§ 3. [PURCHASE OF TEXT BOOKS.] That there be appropriated for the purpose of supplying said library with text books, the sum of three hundred dollars ($300.00).

§ 4. [REPAIRING BOOKS.] That there be appropriated for the purpose of repairing the covers of books in said library, the sum of one hundred dollars ($100.00).

§ 5. [HOW PAID OUT.] That the said sums shall be expended under the directions of the judges of the Appellate Court of said district, and shall be paid in warrants, to be issued by the Auditor of State, upon the State Treasury upon the order of said judges, in such sums, as they may from time to time require. And said judges shall file with the Auditor of State, vouchers for such expenditures.

APPROVED May 20th, 1879.

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DAMAGES BY THE DAMS ON ILLINOIS AND LITTLE WABASH RIVERS—EXPENSES OF COMMITTEE—FEES.

§ 1. Appropriates certain sums. | § 2. How drawn—Emergency.

AN ACT *to make farther appropriations for payment of the per diem and traveling expenses of the committee to investigate damages caused by the construction of the dams at Henry, on the Illinois River and at New Haven, on the Little Wabash River, appointed by joint resolution of the 30th General Assembly of this State. Approved and in force May* 6, 1879.

WHEREAS, The Legislature of this State, by joint resolution of the Thirtieth General Assembly, did appoint a commission consisting of three members of the House of Representatives and two of the Senate, whose duty it was made by said resolution to investigate and report to the present General Assembly all claims for damages caused by the construction of the dam at Henry, on the Illinois River, and at New Haven, on the Little Wabash River; and

WHEREAS, By authority of said resolution, William R. Archer and Chester P. Davis, of the Senate, and Frank N. Tice, Samuel S. Jack and William R. Wilkinson, of the House, were, by the President of the Senate and Speaker of the House, respectively, appointed said commission; and

WHEREAS, Said commission, under and by authority of said resolution, have performed the duties enjoined upon them and made their report within the time limited thereby; and

WHEREAS, There is now due to said commission, for their *per diem* and traveling expenses in performing the duties required of them, as follows, to-wit:

To William R. Archer	$350 90
" Chester P. Davis	344 70
" Frank N. Tice	340 70
" Samuel S. Jack	340 65
" William R. Wilkinson	360 85
And to Albert Emerson	32 10
" " John C. Youngken	24 64
" " Elhanon Fisher	327 15

as clerks of said commission, as certified by the chairman thereof, and by the President of the Senate and the Speaker of the House, respectively; therefore

Be it enacted by the People of the State of Illinois, represented in the General Assembly,

SECTION 1. [APPROPRIATION.] That there be, and is hereby, appropriated to William R. Archer, the sum of three hundred and fifty dollars and ninety cents ($350 90); to Chester P. Davis, the sum of three hundred and forty-four dollars and seventy cents ($344 70); to Frank N. Tice, the sum of three hundred and forty dollars and seventy cents ($340 70); to Samuel S. Jack, the sum of three hundred and forty dollars and sixty-five cents ($340 65); to William R. Wilkinson, the sum of three hundred and sixty dollars and eighty-five cents ($360 85); to Albert Emerson, the sum of thirty-two dollars and ten cents ($32 10); to John C. Younken, the sum of

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twenty-four dollars and sixty-four cents ($24 64) and to Elhanon Fisher, the sum of three hundred and twenty-seven dollars and fifteen cents ($327 15), for their services and expenses in executing said commission; and that the same be paid out of any money in the treasury not otherwise appropriated.

§ 2. [How Drawn—Emergency.] The Auditor of Public Accounts is hereby authorized, and required, to draw his warrants on the Treasury for the said sums, respectively, in favor of the persons aforesaid.

Whereas, Said amounts, respectively, have long since been due, and are now unpaid, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

Approved May 6th, 1879.

DAMAGES BY CONSTRUCTION OF DAMS ON ILLINOIS AND LITTLE WABASH RIVERS.

§ 1. Appropriations to persons therein named. | §1½. Appropriations to persons therein named.

An Act *to provide for the payment of damages to lands and other property sustained by the owners thereof, by the construction of the dam on the little Wabash river at New Haven in Gallatin county Illinois, and by the construction of the dam on the Illinois river near Henry in Marshall county, Illinois. Approved May* 31, 1879. *In force July* 1, 1879.

Section 1. [Appropriations to persons therein named.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That a sum of money not exceeding thirteen thousand and eighty-seven dollars ($13,087.00) be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the damages sustained by the owners of lands and other property on the Little Wabash river occasioned by the construction of the dam on said river, by authority of the State of Illinois, near New Haven in Gallatin county; according to the recommendation contained in the report of the joint select committee of the two house of the thirtieth General Assembly and that said sum of money be paid as follows, to wit:

To George S. Staley	$8,300 00
" Charles W. Harvey	30 00
" John Holderby	315 00
" Jasper Partridge	275 00
" Charles Melvine	120 00
" Mary J. Boyd	112 00
" George W. Harvey	150 00
To Henry Greer	$240 00
" William Poisnett	$240 00
" Mary E. McHenry Virginia P. Shelby and Julia D. Shelby, heirs at law of Matilda Shelby deceased	$765 00

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To James Dorsey	$	350 00
To Hugh Austin		360 00
To Isaac N. Jaques		150 00
To the heirs of John T. Jones, deceased		980 00
To the heirs of John Hicks, deceased		700 00

§ 1½. [APPROPRIATIONS TO PERSONS THEREIN NAMED.] That a sum not exceeding $29,595—be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the damages sustained by the owners of lands and other property, on the Illinois river, occasioned by the construction of the lock and dam near Henry, on said river by the authority of the State of Illinois, according to the recommendation contained in the report of the joint select committee of the two Houses of the thirtieth General Assembly, and that said sum of money be paid as follows to wit:

Names.		Amount.
To Jacob and Nicholas Lucinger	$	290 00
To Joseph Lanktree	$	1,320 00
To George M. Lanktree	$	460 00
To Jahul Masters	$	120 00
To Brown Smith	$	585 00
To Chas. Knapp	$	180 00
To Jacob Wasson	$	325 00
To John L. McCormick	$	200 00
To Atherton Clark	$	600 00
To Miles E. Wheeler	$	270 00
To Noah Hackman	$	460 00
To Harriet Newell	$	120 00
To John Schier	$	100 00
To John Frey	$	80 00
To Nicholas Bease	$	150 00
To Elizabeth Huffman	$	54 00
To Henry Hunter	$	490 00
To Dwight E. Morgan	$	320 00
To heirs, at law, of Isabella Myers deceased and Harriet A. C. Talbot	$	640 00
To William Waugh	$	365 00
To Addison Mullin	$	153 00
To Frederick Liebold	$	120 00
To James T. Johnson	$	480 00
To John Lehman	$	60 00
To Ruben Bishop	$	840 00
To Alvin Perkins	$	510 00
To Otto Halblibe	$	459 00
To heirs of Samuel B. Wharton deceased	$	90 00
To Paul Cramer	$	60 00
To Philip R. Bolen	$	160 00
To Charles Coleman	$	123 00
To Samuel H. Smith	$	128 00
To J. Henry Hassler	$	195 00
To James R. Taliaferro	$	160 00
To heirs of Courtland R. Condit	$	250 00
To Michael Maurer	$	246 00

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To Sophia Waters	$	92 00
To heirs of Joshua B. Simpson deceased	$	180 00
To L. C. Rouseau	$	80 00
To Amos T. Purviance		180 00
To James S. Tafflemire		440 00
To Leland Broaddus		240 00
To Alexander Hoagland		40 00
To heirs of GuyW. Pool, deceased		480 00
To John Locke		150 00
To Stephen G. Worley		120 00
To Isaac C. Goff		60 00
To Hiram C. Wright		80 00
To Anthony Reavey		705 00
To Robert Davis		690 00
To Ezra J. and George W. Townley		302 00
To Philip H. Green		910 00
To Richard Lloyd		2,069 00
To Bolivar Morgan		140 00
To Melinda Morgan		25 00
To Bolivar and Emmet Morgan		75 00
To heirs of Alanson Morgan, deceased		60 00
To John G. Baker		294 00
To Clark J. Townley		105 00
To the heirs of James Dennis		70 00
To James M. Robertson		200 00
To William Scott Robertson		80 00
To Jacob Barnhardt		50 00
To Wm. Q. and Frank T. Smith		160 00
To Wm. Q. and P. J. Smith		120 00
To Benjamin Newall		114 00
To William Q. Smith		355 00
To David S. Miller		4,180 00
To Martin Bunchbaugh		80 00
To William Allen		1,900 00
To heirs of William Shields		682 00
To Timothy Wood	$	880 00
To George Sparling		821 00
To Hannah Locke		78 00
To Patrick Dore		360 00
To Henry Hassler		220 00
To Hiram W. White		565 00

§ 2. [MONEY NOT TO BE PAID, EXCEPT, ETC.] In no case shall any portion of said sum of money hereby appropriated, be paid for any damages upon any tract or part of any tract of land or to any property unless the same is described in the report of said joint select committee as damaged by the construction of said dam; nor shall any greater sum be paid for damages on any tract or part of tract of land or property, than is recommended by the said committee in their said report to be paid: *Provided*, that if it shall appear to the Auditor from the record that an error has occurred in the description of any tract or tracts of land in said report, the damages shall be paid upon the tract or tracts which the whole record, of the proceedings of said committee, shows was intended to be described in said report.

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§ 3. [How money paid.] Any of the claimants named in section one of this act or their heirs or legal representatives, may make an application in writing, to the Auditor of Public Accounts for a warrant on the State Treasurer for the amount directed by this act to be paid such claimant as damages on the tract or part of tract of land or property described in the record of the proceedings had before said committee as being owned by such claimant; which application shall contain a description of the tract or tracts, or part of tract of land, for the damage to which, said committee has recommended the payment of said several sums of money specified in section one of this act. Such claimant, or his or her heirs or legal representatives shall also file with the Auditor a written release under seal, and acknowledged as in case of conveyances of real estate, releasing all damages heretofore sustained or which may be hereafter sustained by the owner or owners of said lands or other property, occasioned by the construction, maintenance or repair of said dam, such release shall describe all the lands and other property of such claimant, which were submitted to the investigation of said committee, as well those upon which said committee recommended the payment of damage as those upon which said committee refused to allow damages, and such release shall in terms and effect be a complete discharge to the State of Illinois by such owner or owners, of all damages sustained or hereafter to be sustained to any and all of said lands and other property: and if such release complies with the terms of this act in form and substance, and the Auditor be satisfied as to the identity of the claimant (or his or her heir or legal representatives who may apply) as being the person entitled to receive such sum for damages, he shall draw his warrant upon the State Treasurer for the amount of such damages, and deliver the same to such claimant; and the acceptance by such claimant or claimants, of such warrant for the sums specified as allowed to each in section one of this act is hereby declared to be a complete and perpetual bar to any further claims for damages, to any and all lands and other property submitted to the investigation of said committee.

§ 4. [Report and proceedings of committee.] The report and the evidence taken and the record of all proceedings had before the said joint select committee, and the papers accompanying the said report shall be deposited and preserved in the office of the Auditor of Public Accounts, and the same shall at all times be subject to examination and inspection by any claimant or party interested therein.

Approved May 31st, 1879.

APPROPRIATION.

Section 1. Appropriates $9,000—How drawn.

An Act *to appropriate nine thousand dollars* ($9,000) *for the completion of the Douglas Monument at Chicago. Approved May* 29, 1879. *In force July* 1, 1879.

Whereas, It appears from the report of the commissioners to complete the Douglas monument at Chicago. That said commission was compelled to remove and rebuild the sub-structure thereof, requiring

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an expenditure not anticipated at the time of the passage of the act creating said commission, and necessitating a further appropriation. Therefore:

§ 1. [APPROPRIATES $9,000. HOW DRAWN.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of nine thousand dollars ($9,000) be, and the same is hereby appropriated for the completion of said monument, and the Auditor of Public Accounts, is hereby authorized and directed to draw his warrant on the State Treasury for said amount, out of money not otherwise appropriated, upon the certificate of a majority of the said commissioners, from time to time, as the same may be needed.

APPROVED May 29th, 1879.

STATE CHARITABLE INSTITUTIONS—DEAF AND DUMB SCHOOL AT CHICAGO.

§ 1. Appropriates $15,000. | § 2. How drawn.

AN ACT *to make an appropriation for the benefit of the Deaf and Dumb School, at Chicago. Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. [APPROPRIATES $15,000.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be and is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of fifteen thousand ($15,000.00) dollars as a donation for the benefit of and to be used in the support and maintenance of, the School for the Education of Deaf and Dumb Children, located in Chicago, and now under the management and control of the Board of Education of the city of Chicago; said money to be used in the education of deaf and dumb children in said school, and said school shall, so far as its accommodations will permit, receive deaf and dumb children of school age from any portion of the State.

§ 2. [HOW DRAWN.] The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasury for the sum of money hereby appropriated, in favor of the treasurer of the city of Chicago, upon the order of the Board of Education of said city of Chicago, signed by the president and attested by the secretary of said Board, and filed in the office of the Auditor, and such money shall only be drawn from the treasury of said city, upon orders of the said Board of Education for the expenses incurred in the education of deaf and dumb children in said school.

APPROVED May 31st, 1879.

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STATE CHARITABLE INSTITUTIONS.

DEAF AND DUMB—EDUCATION OF—JACKSONVILLE.

§ 1. Appropriates for improvements, repairs, etc. | § 2 When and how drawn.

AN ACT *for the purchase of land, and for the erection of laundry, barns and fire escapes, for the Illinois Institution for the Education of the Deaf and Dumb, and for special repairs on said Institution. Approved May* 24, 1879. *In force July* 1, 1879.

SECTION 1. [APPROPRIATES FOR EXPENSES, REPAIRS, ETC.] *Be it enacted by the People of the State of Illinois, reprsented in the General Assembly*, That there be and are hereby appropriated to the said institution the sums of one thousand five hundred dollars, ($1,500.00) for the construction of fire escapes, one thousand four hundred and seventy-nine ($1,479.00) dollars for the purchase of a new boiler, and two thousand dollars ($2,000.00) for changing the present barn into a cottage, and five thousand dollars ($5,000.00) for building a laundry, and two thousand dollars ($2,000.00) to repair the damage to the building occasioned by the late fire, and two thousand dollars ($2,000.00) to defray the expense of putting thermostats in the building.

§ 2. [WHEN AND HOW DRAWN.] The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the Treasurer for the said sums, upon the orders of the board of trustees of the Illinois Institution for the Education of the Deaf and Dumb, signed by the president, and attested by the secretary of said board, with the seal of the institution, accompanied by such vouchers and certificates as are required by law for the drawing of funds from the treasury by said institution.

APPROVED May 24th, 1879.

STATE CHARITABLE INSTITUTIONS.

DEAF AND DUMB—EDUCATION OF—JACKSONVILLE.

§ 1. Appropriations for expenses and repairs. | §. 2 How drawn.

AN ACT *for the support of the Illinois Institution for the Education of the Deaf and Dumb, and for general repairs thereon, and for the Pupils Library. Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. [APPROPRIATIONS FOR EXPENSES AND REPAIRS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That for the purpose of defraying the ordinary expenses of the Illinois Institution for the education of the Deaf and Dumb the sum of seventy-six thousand dollars ($76,000) for the first year, and eighty thousand dollars ($80,000) for the second year, be and the same is hereby appropriated out of the State Treasury, payable quarterly in advance, from the first day of July 1879, until the

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expiration of the first fiscal quarter after the adjournment of the next General Assembly; and that there be and are hereby appropriated the further sums of three thousand dollars ($3,000.00) per annum for repairs and improvements, and five hundred dollars ($500.00) per annum for the pupils' library from the first day of July, 1879, till the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

§ 2. [How DRAWN.] The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the Treasurer for the said sums upon orders of the board of trustees of the Illinois Institution for the Education of the Deaf and Dumb, signed by the president and attested by the secretary of said board, with the seal of the institution, accompanied by such vouchers and certificates as are now required by law, for drawing funds from the treasury by said institution.

APPROVED May 31st, 1879.

EYE AND EAR INFIRMARY AT CHICAGO.

§ 1. Appropriates $17,000 and $2,000. | § 2. How drawn.

AN ACT *making appropriations for the Illinois Charitable Eye and Ear Infirmary. Approved May* 24, 1879. *In force July* 1, 1879.

SECTION 1. [APPROPRIATES $17,000 and $2,000] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be and is hereby appropriated to the Illinois Charitable Eye and Ear Infirmary, at Chicago, for ordinary expenses, the sum of seventeen thousand dollars ($17,000) per annum, payable quarterly in advance, from the first day of July, 1879, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly; for repairs and improvements one thousand dollars ($1,000) per annum; and for the purchase of additional furniture, the sum of one thousand dollars ($1,000) per annum.

§ 2. [How DRAWN.] The moneys herein appropriated shall be drawn from the State Treasury in the manner and subject to the limitations and conditions now provided by law.

APPROVED May 24th, 1879.

STATE CHARITABLE INSTITUTIONS.

FEEBLE-MINDED CHILDREN—ASYLUM FOR.

§ 1. Appropriations for expenses and repairs. | § 2. How drawn.

AN ACT *making appropriations for the Illinois Asylum for Feeble Minded Children. Approved May* 31, 1879. *In force July* 1, 1879.

§ 1. [APPROPRIATIONS FOR EXPENSES AND REPAIRS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That for the purpose of defraying the ordinary expenses of

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the Illinois Asylum for Feeble Minded Children, the sum of forty-six thousand dollars ($46,000) for the first year and fifty-four thousand dollars ($54,000) for the second year be, and the same is, hereby appropriated out of the State Treasury, payable quarterly in advance, from the 1st day of July, 1879, until the expiration of the first fiscal quarter, after the adjournment of the next General Assembly; and that there be and are hereby appropriated the further sums of four thousand five hundred and twenty five dollars ($4,525) for altering and repairing the old boilers and putting in one new boiler; five thousand dollars ($5,000) for finishing, steam heating, plumbing and furnishing the basement under the main building and wing; nine hundred and eighty dollars ($980) for the erection of an ice house; two hundred and fifty dollars ($250) for the construction of a soap house; one thousand dollars ($1,000) for sinking another well and putting a pump in the same to provide a supply of water in case of emergency; and five hundred dollars ($500) for the construction of four cisterns for rain water; for repairs two thousand dollars ($2,000) per annum; for improvement of grounds five hundred dollars ($500) per annum.

§ 2. [How drawn.] The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the State Treasurer for the said sums, upon orders of the Board of trustees of the Illinois Asylum for Feeble Minded Children, signed by the president and attested by the secretary of said board, with the seal of the asylum.

Approved May 31st, 1879.

STATE GOVERNMENT—EXPENSES OF.

§ 1. Appropriation for heating State House.
§ 2. When and how drawn.
§ 3. Emergency.

An Act *to provide for the expenses of heating the State House, for the State binding, and also for the office expenses of the Superintendent of Public Instruction and Adjutant General, incurred or to be incurred, and now unprovided for, until June* 30, 1879. *Approved and in force May* 21, 1879.

Section 1. [Appropriation for Heating State House—State Building, etc.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following appropriations, or so much thereof as may be necessary, be and the same are hereby made to meet the necessary expenses of heating the State House, State binding, and the expenses of the offices herein named, incurred, or to be incurred, and now unprovided for, until June 30, 1879.

First. The sum of four thousand dollars ($4,000), or so much thereof as may be necessary, for heating, fuel, engineers and firemen of the State House, to be paid by the State Treasurer, as now required by law.

Second. The sum of five thousand four hundred and twenty-six dollars and ten cents ($5,426 10-100), for payment of D. W. Lusk, late contractor for State binding, being the amount due for work done under contract which expired November last; and also, for the work

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that may be done by the present contractor for State binding prior to the first day of July, 1879, the sum of five thousand dollars ($5,000), or so much thereof as may be required, is appropriated, to be paid in accordance with the contract and upon the certificate of the Commissioners of State Contracts, approved by the Governor.

Third. The sum of seven hundred dollars ($700) for postage, repairs, telegraphing and other incidental expenses of the office of Superintendent of Public Instruction, to be paid by the State Treasurer, as now provided by law.

Fourth. The sum of three hundred dollars ($300), for postage, repairs and other incidental expenses of the office of the Adjutant General, to be paid by the State Treasurer, as now provided by law.

§ 2. [When and How Drawn.] The Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the State Treasurer for the sums herein specified upon presentation of the proper vouchers, and the State Treasurer shall pay the same out of any funds in the State Treasury not otherwise appropriated.

§ 3. [Emergency.] Whereas, The appropriations above recited are necessary for the transaction of the business of the State; therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

Approved May 21st, 1879.

STATE GOVERNMENT—ORDINARY AND CONTINGENT EXPENSES OF.

§ 1. Appropriates for ordinary and contingent expenses. | § 2. How drawn.

An Act *to provide for the ordinary and contingent expenses of the State government, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly. Approved May* 31, 1879. *In force July* 1, 1879.

§ 1. [Appropriates for ordinary and contingent expenses.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the following named sums be, and are heeby appropriated to meet the ordinary and contingent expenses of the State government until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly.

First—A sum not exceeding three thousand five hundred dollars ($3,500) per annum shall be subject to the order of the Governor for defraying all such public expenses of the State government as are unforseen by the General Assembly and not otherwise provided for by law, payment to be made from time to time upon bills of particulars certified by the Governor.

Sceond—The sum of three thousand dollars (3,000) per annum for clerk hire in the Governor's office, payable quarterly upon the Governor's order.

Third—To the Governor's office for postage, express, telegraphing and other incidental expenses, a sum not exceeding seven hundred and fifty dollars per annum, to be paid on bills of particulars, certified by the Governor.

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Fourth—To the Governor's office, for porter, six hundred dollars per annum, payable quarterly, upon the order of the Governor.

To the Governor, for repairs and care of the executive mansion and grounds and for heating and lighting the executive mansion, three thousand dollars ($3,000) per annum, to be paid upon bills of particulars, certified to, by the Governor.

Fifth—To the Secretary of State for clerk hire in his office, the sum of ten thousand and five hundred dollars ($10,500) per annum, payable quarterly on his order. To the Secretary of State for repairs, postage, expressage, telegraphing and other incidental expenses of the office, a sum not exceeding three thousand dollars ($3,000) per annum, payable upon bills of particulars, certified by the Secretary of State and approved by the Governor. To the Secretary of State for two porters and messengers, the sum of seven hundred dollars ($700) each, per annum, payable quarterly on his order, also for continuing the work of indexing, classifying and arranging the files and records of the office of the State Department, the sum of three thousand dollars ($3,000) per annum payable upon bills of particular, certified by the Secretary of State and approved by the Governor. To the Secretary of State for the payment of all necessary incidental expenses incurred by the Secretary of State, in the care and custody of the State House and grounds and other State property, and in repairs and improvements of the same, and for the performance of such other duties as may be imposed upon him by law, and for which no other appropriation has been made, the sum of ten thousand dollars for the year 1879, and the sum of ten thousand dollars for the year 1880, payable upon bills of particulars, certified by the Secretary of State and approved by the Governor.

Sixth—To the Auditor of Public Accounts, for clerk hire, the sum of seven thousand five hundred dollars ($7,500), [per annum,] to be paid quarterly. To the Auditor of Public Accounts, for two porters and messengers, the sum of seven hundred dollars each, per annum, payable quarterly on his order. To the office of Auditor of Public Accounts, for repairs, postage, express charges, telegraphing and other necessary expenses incurred in the discharge of the duties thereof, a sum not exceeding one thousand five hundred dollars ($1,500) per annum.

Seventh—To the State Treasurer, for clerk hire, the sum of four thousand dollars ($4,000) per annum, payable quarterly on his order. To the office of the State Treasurer, for repairs, express charges, postage, telegraphing and other necessary office expenses, a sum not to exceed one thousand dollars ($1,000) per annum, payable upon bills of particulars, certified by him and approved by the Governor. To the State Treasurer, the sum of three thousand and two hundred dollars ($3,200) per annum, for two night and two day watchmen, and the sum of eight hundred dollars per annum for one messenger and clerk, payable quarterly on his order. To the State Treasurer, the sum of four thousand dollars ($4,000,) or as much thereof as may be necessary for alterations, repairs and refitting his office, payable on bills of particulars, certified by him and approved by the Governor.

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Eighth—To the Superintendent of Public Instruction, for clerk hire, the sum of two thousand four hundred dollars ($2,400) per annum, and for a janitor, porter and messenger, who shall also perform the duties of clerk when not otherwise employed, the sum of eight hundred dollars ($800) per annum, payable quarterly upon his order. To the Superintendent of Public Instruction for repairs, periodicals and educational works and other necessary expenses of said office, a sum not exceeding one thousand five hundred dollars per annum, payable on bills of particulars certified by him and approved by the Governor. Appropriations made by this clause, to be paid out of the State school funds.

Ninth—To the Attorney General, for clerk hire, the sum of eighteen hundred dollars ($1,800) per annum, payable quarterly on his order. For porter and messenger for the Attorney General, the sum of six hundred dollars ($600) per annum; which porter and messenger shall also act as porter and messenger for the custodian of field notes, payable quarterly on his order. To the office of the Attorney General for telegraphing, postage and other necessary expenses of the Attorney General, incurred in the discharge of the duties of his office, a sum not exceeding two thousand dollars ($2,000) per annum, payable on bills of particulars, certified by him and approved by the Governor.

Tenth—To the office of Adjutant General, the sum of six hundred dollars per annum, for janitor and ordnance sargeant, to keep the State arms in order, payable on his order; also for telegraphing, postage and office expenses, a sum not exceeding seven hundred dollars ($700), per annum, payable on bills of particulars, certified by the Adjutant General and approved by the Governor.

Eleventh—To the custodian of field notes and surveys, for his office expenses, the sum of six hundred dollars ($600) per annum, payable on bills of particulars, certified by him and approved by the Governor.

Twelfth—To the board of Public Charities, for expenses, including the salary of a secretary and clerk, a sum not exceeding seven thousand dollars ($7,000) per annum, payable quarterly on bills of particulars, approved by the Governor.

Thirteenth—A sum not exceeding two thousand dollars ($2,000) per annum, for costs and expenses on State suits, to be paid on bills of particulars, certified by the Auditor and approved by the Governor.

Fourteenth—A sum not exceeding twenty-five thousand dollars, per annum, or so much thereof as may be necessary for conveying convicts to the penitentiary, to be paid on the Wardens certificate, at the compensation fixed by the general law; the Auditor to compute the distance by the nearest railroad route.

Fifteenth—For the payment of the expenses provided for by law, for the apprehension and delivery of fugitives from justice, twenty thousand dollars ($20,000) or so much thereof as may be necessary, payable out of the levy of 1878, and ten thousand dollars ($10,000), payable out of the levy of 1879, to be paid on the evidence required by law, certified to and approved by the Governor.

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Sixteenth—The sum of three thousand dollars ($3000) per annum, or so much thereof, as may be needed for conveying juvenile offenders to the Reform School at Pontiac, on the certificate of delivery, at the rate of compensation allowed by law; the Auditor to compute the distance by the nearest railroad route.

Seventeenth—For printing paper and stationery, for the use of the General Assembly and executive departments, purchased on contracts as required by law, payable on delivery thereof, on bills of particulars certified to by the Board of Commissioners of State Contracts and approved by the Governor, the sum of twenty thousand dollars ($20,000), or so much thereof as may be needed, payable out of the levy of 1878 and fifteen thousand dollars, payable out of the levy of 1879.

Eighteenth—There is hereby appropriated to defray the incidental and contingent expenses of the Supreme Court, to-wit: For stationery, repairs, furniture, express, books and other expenses deemed necessary by the court, the following sums: To the Northern Grand Division, the sum of three thousand dollars ($3,000) per annum. To the Central Grand Division, the sum of two thousand dollars ($2,000) per annum. To the Southern Grand Division the sum of fifteen hundred dollars ($1,500) per annum, the same to be payable upon bills of particulars certified to by at least two of the justices of said court; the sum of three hundred dollars ($300.00) per annum to Northern and Southern Grand Divisions, and the sum of seven hundred and fifty dollars to the Central Grand Division of said court, for salary of librarian; said librarian of the Central Grand Division to be appointed by the judges of the Supreme Court, and care of library, payable quarterly on the certificate of at least two of the justices of said court; the sum of three hundred dollars per annum to the Northern and Southern Grand Divisions of said court; and for the Central Grand Divisions of said court the sum of six hundred dollars ($600.00) for the pay of janitors to perform such duties as shall be determined by said justices to be paid quarterly on the order of at least two of the justices of said court.

Nineteenth—The sum of twenty-five dollars ($25.00) for the payment of bailiff of the Court of Claims at its last session, payable upon the order of said court; also the sum of fifty dollars or as much thereof as may be necessary for the payment of such bailiff at the next session of said Court of Claims payable upon the order of the judges of said court.

Twentieth—For public printing twenty thousand dollars or so much thereof as may be required. For public binding ten thousand dollars per annum or so much thereof as may be required. The public printing and binding to be paid for according to the contract upon the certificate of the Board of Commissioners of State Contracts, approved by the Governor.

Twenty-first—The sum of fifty-seven thousand dollars ($57,000) per annum, or as much thereof as may be necessary to pay the interest on the school fund, distributed annually in pursuance of law.

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Twenty-second—Such sums as may be necessary to refund the taxes on real estate sold or paid in error, and for over-payments of collectors accounts under laws governing such cases to be paid out of the proper funds.

Twenty-third—For laborers, janitors and watchmen of the State House who shall perform such duties as shall be assigned to them by the Secretary of State, the sum of four thousand dollars ($4,000) per annum, or so much thereof as shall be necessary, payable quarterly upon the order of said Secretary of State.

Twenty-fourth—For the salary of the curator of the Illinois State Historical Library and Natural History Museum, the sum of eighteen hundred dollars ($1,800) per annum, and for the salary of one assistant the sum of six hundred dollars per annum. For the contingent and necessary expenses of the curator, including traveling on business connected with his office, the sum of three hundred dollars per annum.

Twenty-fifth—To the Railroad and Warehouse Commissioners for the incidental expenses of their office, including care, stationery, postage and telegraphing expenses, extra clerk hire, the fees of experts employed, and for the Secretary's salary, and for all necessary expenditures, except those hereinafter provided for, a sum not to exceed four thousand dollars per annum. For expenses incurred in suits or investigations commenced by authority of the State under any law now in force or hereafter to be enacted, empowering or instructing the board of commissioners, the sum of five thousand dollars per annum or such part thereof as may be needed for such purpose. The appropriations made by this clause, to be paid upon detailed statements filed with the Auditor, bearing the order of the board and approved by the Governor.

Twenty-sixth—A sum not to exceed fifty thousand dollars to pay the compensation of the employes of the next General Assembly, allowed them by law, to be paid on pay roll certified by the presiding officers of the respective Houses or as otherwise provided by law.

Twenty-seventh—The sum of three thousand dollars for rewards for arrests of fugitives from justice, to be paid upon bills of particulars having the order of the Governor endorsed theron.

Twenty-eighth—For copying the laws, journals and joint resolutions of the General Assembly, as provided by law, one thousand two hundred dollars ($1,200) or so much thereof as may be necessary. For distribution of the laws, journals and other State documents and incidental expenses connected therewith, the sum of five hundred dollars ($500).

Twenty-ninth—For heating, fuel, repairs, and pay of engineers and firemen of the State House and other incidental expenses thereof the sum of ten thousand dollars per annum or so much thereof as may be needed. For lighting the State House and incidental expenses thereof, the sum of four thousand dollars per annum, or so much thereof as may be necessary to be paid, upon bills of particulars, certified by the Secretary of State and approved by the Governor.

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Thirtieth—The sum of five thousand dollars, or so much thereof as may be needed, to pay the necessary expenses of the different standing and special committees of the two houses, their experts witnesses, and clerks, of the thirty-first (31st) General Assembly, payable on the certificates of the chairman of the respective committees, approved by the presiding officers of the respective houses.

Thirty-first—To the State Board of Equalization for paying expenses, a sum not to exceed ten thousand dollars per annum, payable in the manner provided by law.

Thirty-second—The sum of three thousand dollars ($3,000) to the Auditor of Public Accounts for cases for, and arrangement and care of the books, papers and correspondence received from the United States Land Office, formerly located at Springfield Illinois.

Thirty-third—Such sum as may be necessary to enable the Secretary of State to purchase such volumes of the reports of the decisions of the Supreme Court as he is or may be by law required to purchase to be paid on bills of particulars, certified by the Secretary of State and approved by the Governor.

Thirty-fourth—To the Secretary of State for hire of clerks required by law to be furnished by him to the Illinois State Board of Health the sum of fifteen hundred dollars per annum or so much thereof as shall be necessary, payable quarterly on his order. To the Secretary of State for the purchase and necessary incidental expenses of books for State Library, the sum of three thousand dollars ($3,000) per annum, payable on bills certified by the Board of Commissioners of State Library and approved by the Governor.

Thirty-fifth—The amount of the Illinois Central Railroad fund remaining in and accruing to the State Treasury is hereby appropriated for the payment of interest on the State debt and the principal of such State bonds as have been or may be called in by proclamation of the Governor, and the Auditor shall issue his warrant upon the proper evidence of the payment of interest, or surrender of the bonds approved by the Governor.

Thirty-sixth—The sum of one million dollars ($1,000,000) annually out of the State School Fund, to pay the amount of the Auditor's orders, and for distribution of said fund to the several counties. The Auditor shall issue his warrants on the proper evidence that the amount distributed has been paid to the county school superintendents.

Thirty-seventh—For the purpose of paying the expenses incident to the establishment of the Appellate Court in the Third Appellate District the sum of fifteen hundred and forty six and 90-100 ($1,546.90-100) dollars upon presentation of accounts of

J. H. Barclay & Co	$ 264 80
Frank Simmons	297 65
Frank Hudson, Jr	281 55
Culver, Page, Hoyne & Co	10 00
Illinois State Register Co	116 00
N. Leroy	6 00
W. K. Richards	8 75
Springfield Journal Co	10 00

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R. Beet	12 75
Geo. Sexer	200 00
E. C. Hamburger	167 50
C. M. Smith & Co	171 90

Certified to be correct and to have been necessary by the presiding justice of said court, and the further sum of one thousand dollars per annum or so much thereof as may be necessary for the payment of the necessary incidental expenses of said court, for the two years from and after July, 1, 1879, to be paid upon accounts certified to be cor rect and necessary by the presiding justice of said court.

Thirty-eighth—The sum of one thousand two hundred dollars to be paid to Lottie Moore as a balance of salary due her father the late Enoch Moore she being the only surviving heir.

Thirty-ninth—To the Commissioners of Labor Statistics to pay the salary of said commissioners and their secretary and also their office and incidental expenses, the sum of three thousand ($3,000) dollars per annum or so much thereof as may be necessary, the same to be paid under the conditions of an act creating said commissioner.

Fortieth—The sum of two thousand dollars for the year ending in 1880, and the sum of one thousand dollars for the year ending in 1881 or so much thereof as may be necessary to the Fish Commissioners of this State to be used by them in pursuance of law, all expenditures to be upon bills of particulars certified to by a majority of commissioners, and approved by the Governor.

Forty-first—That the sum of five hundred dollars or so much thereof as may be necessary for the purpose of paying the proper traveling and hotel expenses of a clerk to be appointed by the Governor, who, under the Governor's order, shall proceed to Washington D. C., and there by permission of the proper authorities transcribe the records of all Illinois soldiers who have served in the Black Hawk or Mexican wars, together with the military services rendered by men from Illinois who enlisted in the regular army or navy for any such wars, and after having such copy records duly authenticated by the war department, to bring them to the Governor of the State of Illinois, to be deposited in the archives of the State Adjutant General's office for examination and safe keeping.

§ 2. [How drawn.] The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer for the sums herein specified, upon presentation of the proper vouchers and the State Treasurer shall pay the same out of the proper funds in the treasury not otherwise appropriated, said warrants shall be drawn in favor of, and payable to the order of the persons entitled thereto.

Approved May 31st, 1879.

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STATE GOVERNMENT—INCIDENTAL EXPENSES.

THIRTY-FIRST GENERAL ASSEMBLY—INCIDENTAL EXPENSES OF THE.

§ 1. Appropriates $15,000.
§ 2. When and how drawn.
§ 3. Emergency.

AN ACT *to provide for the incidental expenses of the Thirty-first General Assembly and for the care and custody of the State House and grounds, incurred or to be incurred and now unprovided for, until July* 1, 1879. *Approved and in force May* 24, 1879.

SECTION 1. [APPROPRIATES $15,000.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of fifteen thousand dollars ($15,000), or so much thereof as may be required, is hereby appropriated to pay for the incidental expenses of the Thirty-first General Assembly that may be, or have been incurred by order or resolution of the General Assembly, or either branch thereof, or by the Secretary of State in the discharge of the duties imposed upon him by law or by the direction of the General Assembly, or either branch thereof and which are not otherwise provided for. All bills of expense incurred by either branch of the General Assembly to be paid upon the certificate of the presiding officer of that branch of the General Assembly for which the indebtedness was incurred, and also certified by the Secretary of State and approved by the Governor. All other expenditures to be certified by the Secretary of State and approved by the Governor. And further that there be the sum of fifty-two dollars appropriated to pay F. W. Mattocks for mileage and attendance as a witness before special committee of the Senate of the Thirtieth General Assembly.

§ 2. [WHEN AND HOW DRAWN.] The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer, for the sums herein specified, upon presentation of the proper vouchers, and the State Treasurer shall pay the same out of any funds in the State Treasury, not otherwise appropriated.

§ 3. [EMERGENCY.] WHEREAS, The appropriations above recited are necessary for the expenses incurred, or to be incurred, for the transaction of the business of the State and the General Assembly; therefore an emergency exists and this act shall take effect and be in force from and after its passage.

APPROVED May 24th, 1879.

STATE GOVERNMENT.

GENERAL ASSEMBLY—PAY OF OFFICERS, ETC.

§ 1. Appropriates $700,000.

AN ACT *making an appropriation for the payment of the officers and members of the next General Assembly, and for the salaries of the officers of the State Government. Approved May* 29, 1879. *In force July* 1, 1879.

SECTION 1. [APPROPRIATES $700,000] *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That there be and is hereby appropriated the sum of seven hundred thousand dol-

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lars, ($700,000) or so much thereof as may be necessary, to pay the officers and members of the next General Assembly, and the salaries of the officers of the State Government, at such rate of compensation as is now, or hereafter may be fixed by law, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly.

APPROVED May 29th, 1879.

GUARDS—ILLINOIS NATIONAL.

§ 1. Appropriates $80,000. | § 2. Pay-roll—Emergency.

AN ACT *to provide for the payment of the Illinois National, Guard for services performed during the years A. D.* 1877 *and* 1878 *and for the payment of transportation, subsistance and incidental expenses of the same. Approved and in force April* 22, 1879.

SECTION 1. [APPROPRIATES $80,000.] *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That the sum of eighty thousand dollars or so much thereof as may be necessary be and the same is hereby appropriated and set apart out of any moneys in the State Treasury not otherwise appropriated, for the purpose of paying the Illinois National Guard, for services during the years A. D. 1877 and 1878 and for the payment of transportation subsistence and incidental expenses of the same.

§ 2. [PAY-ROLL—APPROVED BY GOVERNOR—EMERGENCY.] That for the payment of the officers and soldiers a pay-roll for each separate command and for the field and staff, shall be made out which shall contain the name of each officer or soldier, the number of days of actual service rendered and the amount due each person named for such service. The pay rolls shall be certified respectively by the commanding officers to be correct and shall be approved by the Governor and filed in the office of the Adjutant-General. For the payment of all transportation, subsistence and incidental expenses, all persons having claims shall make out itemized bills for the same verified by affidavit, which bills shall be certified as correct and payment recommended by the officer under whose command the expense was incurred and shall be approved by his commanding officers and the Governor and filed in the office of the Adjutant General. The Adjutant General shall forthwith certify the amounts due each person as shall appear by such pay rolls and bills to the Auditor who shall thereupon draw his warrant upon the Treasurer, payable to the order of such person for the amount due and forward the same by mail to him or his commanding officer: *Provided,* that no bill shall be approved by the Governor for the transportation of troops by railroad companies for a greater sum than two (2) cents per mile per capita.

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WHEREAS, The amount appropriated by this act has been due for over one year therefore an emergency exists and this act shall take effect from and after its passage.

APPROVED April 22d, 1879.

O. M. HATCH—BALANCE OF SALARY TO.

SECTION 1. Appropriates $171.10.

AN ACT *to allow O. M. Hatch one hundred and seventy-one* 10-100 *dollars* ($171.10), *an unpaid balance on account of salary and clerk hire as Secretary of State. Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. [APPROPRIATES $171.10.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there is hereby allowed to O. M. Hatch, as unpaid balance on account of salary of Secretary of State from December 1st, 1864, to January 16th, 1865, the sum of one hundred, four and 44-100 dollars, and as unpaid balance on account of clerk hire of Secretary of State from Feb. 14, to Feby, 28, 1863, the sum of sixty-six and 66-100 dollars; and upon presentation to the Auditor of Public Accounts of properly receipted bills therefor, he shall draw his warrant on the State Treasurer for said amounts.

APPROVED May 31st, 1879.

APPROPRIATIONS.

HEALTH—BOARD OF—AND QUARANTINE AT METROPOLIS.

§ 1. Appropriations for various purposes. | § 2. How drawn.

AN ACT *to appropriate moneys to the State Board of Health, and to re-imburse the city of Metropolis for expenditures under the direction of the State Board of Health. Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. [APPROPRIATIONS FOR VARIOUS PURPOSES.] *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That there be appropriated to the State Board of Health for the following purposes and for no other, the sums following, to-wit:

For a salary of a clerk, which shall be fixed by the board, a sum not to exceed twenty-five hundred ($2,500) dollars per annum. For the traveling expenses of said clerk, a sum not to exceed five hundred ($500) dollars, per annum, for the years 1879, and 1880. Payable quarterly from and after July 1, 1879.

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For expenses of members attending meetings of the Board, and for postage and other incidental expenses of office, one thousand ($1,000) dollars, per annum; for the years 1879, and 1880, payable quarterly from and after July 1, 1879.

Also the sum of five thousand ($5,000) dollars, as a contingent fund, to be used only with the consent and concurrence of the Governor, in case of the outbreak of any epidemic or malignant disease, such as yellow fever, cholera, etc, to defray the expenses of the Board of Health in investigating the causes of such diseases, and in aiding to prevent their spread, and there is hereby appropriated the sum of three hundred ($300) dollars, to reimburse the city of Metropolis, for money expended in quarantining the Ohio river and protecting the city, against yellow fever, in the year 1878, to be paid on the voucher duly made out and receipted by the mayor, and certified by the clerk of said city, under the seal of said city, and on the presentation of said voucher duly signed and certified to the Auditor, he shall draw his warrant on the Treasurer for the sum hereby appropriated for the payment of the same.

§ 2. [How DRAWN.] The Auditor of Public Accounts, is hereby authorized and directed to draw his warrant on the Treasurer for the sums herein appropriated, payable out of any moneys in the Treasury not otherwise appropriated upon the order of the Board of Health, signed by the president of the Board and attested by the secretary; *Provided*, that vouchers shall be taken in duplicate, and original or duplicate vouchers shall be forwarded to the Auditor of Public Accounts, for the expenditure of the sums appropriated in this act.

APPROVED May 31st, 1879.

HORTICULTURAL SOCIETY—STATE.

§ 1. Appropriates $2,000 per annum.

AN ACT *making appropriation in aid of the Illinois Horticultural Society. Approved May* 16, 1879. *In force July* 1, 1879.

SECTION 1. [APPROPRIATES $2,000 PER ANNUM.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That there be appropriated for the use of the Illinois State Horticultural Society the sum of two thousand dollars ($2,000) per annum for the years 1879 and 1880, to be expended by said society, for the purpose and in the manner specified in "An Act to reorganize the Illinois State Horticultural Society," approved March 24th 1874.

APPROVED May 16th, 1879.

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HOSPITAL FOR THE INSANE—CENTRAL.

§ 1. Appropriates $110,000. | § 2. When and how drawn.

AN ACT *making appropriations to defray the ordinary expenses of the Illinois Central Hospital for the Insane, located at Jacksonville; for the purchase of land, and for making repairs and improvements to said Hospital. Approved May* 22, 1879. *In force July* 1, 1879.

SECTION 1. [APPROPRIATES $110,000 PER ANNUM.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That for the purpose of defraying the ordinary expenses of the Central Hospital for the Insane, at Jacksonville, the sum of one hundred and ten thousand dollars ($110,000) per annum, be, and is, hereby appropriated out of the State treasury, payable quarterly in advance, from the first day of July, 1879, until the expiration of the first fiscal quarter, after the adjournment of the next General Assembly.

For renewing the heating surfaces in one section of one wing, and for general repairs and improvements, five thousand dollars ($5,000) per annum.

For the purchase of thirty (30) acres of land, five thousand dollars (5,000).

For building for shops, mill and engine rooms, and for steam engine, mill and shafting, eight thousand dollars ($8,000).

For buildings for corn cribs, piggery, slaughter house and apparatus for cooking food, twenty-five hundred dollars ($2,500).

For enlarging, finishing and furnishing amusement hall, three thousand dollars ($3,000).

For improving grounds, one thousand dollars ($1,000).

For painting outside of new wings, re-arranging fences and grading one thousand dollars ($1,000).

For putting in thermostats at proper places, throughout the building, connecting the different parts of the hospital with the central office, by electric signals and for constructing telegraph to connect with town office, with the necessary apparatus for operating the same, one thousand dollars ($1,000).

§ 2. [WHEN AND HOW DRAWN.] The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the Treasury for the said sums, upon the orders of the board of trustees of the Illinois Central Hospital for the Insane, signed by the President and attested by the Secretary of said board, with the seal of the institution accompanied by such vouchers and estimates as are now required by law for the drawing of funds from the Treasury by said institution.

APPROVED May 22d, 1879.

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STATE CHARITABLE INSTITUTIONS.

HOSPITAL FOR THE INSANE—CENTRAL.

§ 1. Appropriates $3,996 for sewer. | § 2. How drawn.

AN ACT *making an appropriation for the purpose of constructing a sewer for the Illinois Central Hospital for the Insane. Approved May* 29, 1879. *In force July* 1, 1879.

SECTION 1. [APPROPRIATES $3,996, FOR CONSTRUCTION OF SEWER.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the sum of three thousand nine hundred and ninety-six dollars, ($3,996) be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the purpose of constructing a sewer leading from the Central Illinois Hospital for the Insane to the Mauviasterre creek. The trustees of said hospital are hereby charged with the duty of locating and constructing said sewer. The same shall be of sufficient capacity to carry off all the sewage of said hospital and its total cost shall not exceed the amount herein appropriated.

§ 2. [HOW DRAWN.] The Auditor of Public Accounts is hereby directed to draw his warrant for said sum of money, upon presentation of the proper vouchers therefor, payable to the person or persons therein named.

APPROVED May 29th, 1879.

HOSPITAL FOR THE INSANE—EASTERN.

§ 1. Appropriations for 1879 and 1880.

AN ACT *making an appropriation for the ordinary expenses of the Illinois Eastern Hospital for the Insane, at Kankakee. Approved May* 24, 1879. *In force July* 1, 1879.

SECTION 1. [APPROPRIATIONS FOR 1879 and 1880.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That there be and hereby is appropriated for the ordinary expenses of the Illinois Eastern Hospital for the Insane, at Kankakee for one year from July 1st, 1879, the sum of thirty thousand dollars ($30,000.00), and from the first of July, 1880, at the rate of sixty thousand dollars ($60,000.00) per annum until the expiration of the first fiscal quarter after the adjournment of the next General Assembly; the moneys herein appropriated to be payable quarterly in advance, in the manner now provided for by law.

APPROVED May 24th, 1879.

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HOSPITAL FOR THE INSANE—EASTERN.

§ 1. Appropriations for buildings, land, etc. | § 3. How paid.
§ 2. Contracts not to exceed appropriation. |

AN ACT *making appropriations for the Illinois Eastern Hospital for the Insane, at Kankakee. Approved May* 28, 1879. *In force July* 1, 1879.

SECTION 1. [APPROPRIATIONS FOR BUILDINGS, LAND, ETC.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following amounts be and are hereby appropriated to the Illinois Eastern Hospital for the Insane, at Kankakee, for the purposes hereinafter named, and for no other:

For the construction and completion of one section of the north wing, to accommodate seventy-five female patients, sixty-five thousand dollars ($65,000).

For the construction of coal house, carriage house, stables, farm building, quarters for employes, amusement hall, shops and other necessary outbuildings, thirty thousand dollars ($30,000).

For roads, walks, grading, trees, shrubbery, and improvement of farm and grounds, twenty-five hundred dollars ($2,500).

For the purchase of furniture, tools, implements and machinery for use in shops, kitchen, laundry, chapel amusement hall and all other buildings erected or to be erected from funds herein or heretofore appropriated, thirty thousand dollars ($30,000).

For farm implements, stock, carriage for patients, wagons, buggy, harness etc., five thousand dollars ($5,000).

For fencing, and for purchase of additional land, five thousand dollars ($5,000).

For the construction and completion of detached wards, to accommodate not less than eighty male patients, thirty thousand dollars (30,000).

§ 2. [CONTRACTS NOT TO EXCEED APPROPRIATION.] The trustees shall not contract for nor begin the erection of any building or buildings which cannot be fully completed within the amount of the present appropriation; but they may use any unexpended balances of the appropriations herein or heretofore made for the better accomplishment of the purposes of this act—namely, to make the earliest and fullest provision for the insane of this state which may be expedient or possible: *Provided,* no portion of any sum herein appropriated, shall be diverted from the specific purpose for which it is appropriated.

§ 3. [HOW PAID.] The moneys herein appropriated shall be due and payable to the trustees or their order only on the terms and in the manner now provided by law.

APPROVED May 28th, 1879.

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HOSPITAL FOR THE INSANE—NORTHERN.

§ 1. Appropriates sums named. | § 2. How drawn.

AN ACT *making appropriations for the ordinary and other expenses of the Illinois Northern Hospital for the Insane at Elgin. Approved May* 29, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following amounts be and are hereby appropriated to the Northern Hospital for the Insane, at Elgin, for the purposes herein named, and for no other;

For ordinary expenses, the sum of one hundred thousand dollars ($100,000) per annum, payable quarterly, in advance, from the first day of July 1879, until after the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

For repairs, five thousand dollars ($5,000) per annum.

For gallery in amusement hall, seven hundred and ninety-six dollars, ($796).

For improvement of grounds, shade and fruit trees five hundred dollars ($500) per annum.

For relaying and replacing water pipe two thousand dollars ($2,000).

For metallic blinds for cottages, four hundred and eighty dollars ($480).

For hose, Babcock extinguishers and other fire apparatus, one thousand one hundred and eleven dollars ($1,111).

For telephone communication with city and thermostats, one thousand dollars ($1,000).

For one engine with foundation, sixteen hundred dollars ($1,600).

For machinery for carpenter shop, sixteen hundred and twenty-seven dollars ($1,627).

For machinery for engineers shop seven hundred and sixteen dollars ($716).

For sheds between horse and straw barn, five hundred dollars ($500);

For paying Smith Hoag for materials and labor on brick and frame cottages, boiler house, refrigerator-house, air-ducts and sewers, the sum of twelve hundred dollars ($1,200).

§ 2. [HOW DRAWN]. The Auditor of Public Accounts is hereby authorized to draw his warrant upon the Treasurer for the money herein appropriated upon the order of the board of trustees of said Institution, signed by the president and attested by the secretary, with the seal of the Institution thereto affixed, subject to the limitation and conditions in sections eighteen (18) nineteen (19) and twenty (20) of an act entitled "An act to regulate the State Charitable Institutions and the State Reform School and to improve their organization, and increase their efficiency" approved April 15, 1875.

APPROVED May 29th, 1879.

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STATE CHARITABLE INSTITUTIONS.

HOSPITAL FOR THE INSANE—SOUTHERN.

§ 1. Appropriations for ordinary expenses. | § 3. How drawn.
§ 2. Appropriations for improvements, etc. |

AN ACT *making appropriations for the Illinois Southern Hospital for the Insane, at Anna. Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. [APPROPRIATIONS FOR ORDINARY EXPENSES.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That in addition to the unexpended balance of twenty-four thousand dollars ($24,000) which is hereby appropriated, there be and hereby is, appropriated to the Illinois Southern Hospital for the Insane at Anna, for ordinary expenses for the year commencing July 1, 1879, the sum of sixty-six thousand dollars ($66,000), and the sum of ninety thousand dollars, ($90,000) per annum, thereafter, for ordinary expenses until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly, the sums herein appropriated, payable quarterly in advance.

§ 2. [APPROPRIATIONS FOR IMPROVEMENTS.] That for the purpose of making needed improvements and repairs, four thousand dollars ($4,000), per annum, is hereby appropriated. For improvement of grounds, one thousand dollars ($1,000) per annum, is hereby appropriated. For new kitchen, three thousand dollars ($3,000) is hereby appropriated. For water supply, two thousand five hundred dollars ($2,500) is hereby appropriated. For removal of old barn, one thousand dollars ($1,000) is hereby appropriated; and for extending sewer, one thousand five hundred dollars is hereby appropriated.

§ 3. [HOW DRAWN.] The Auditor of Public Accounts is hereby authorized to draw his warrant upon the Treasurer for the moneys herein appropriated, upon the orders of the board of trustees of said institution, signed by the president, and attested by the secretary, with the seal of the institution thereto affixed, subject to the limitations and conditions contained in an act entitled "An Act to regulate the State Charitable Institutions and State Reform School, and to improve their organization and increase their efficiency" approved April 15, 1875.

APPROVED May 31st 1879.

ILLINOIS COAT OF ARMS FOR MT. VERNON.

§ 1. Appropriates $150.00. | § 2. When and how drawn.

AN ACT *making an appropriation for the furnishing of the Coat of Arms of the State of Illinois, to be placed in the home of George Washington, at Mount Vernon. Approved May* 21, 1879. *In force July* 1, 1879.

WHEREAS, For several years past, the "Mount Vernon Ladies' Asso-

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ciation of the Union" has been engaged in the work of repairing and restoring the estate of George Washington at Mount Vernon, as the trustee and the guardian thereof for the Nation; and

WHEREAS, It is now the desire of the association to repair and refurnish the rooms of the old homestead; and

WHEREAS, To that end, certain rooms have been set off to certain of the States, the citizens of which States through said association, are now engaged in the work of restoration and refurnishing (among which are the States of New York, Ohio, Connecticut, and the State of Illinois); and

WHEREAS, It is the desire, and a part of the plan of said association, that the Coat of Arms of each of such States, shall be placed over the entrance to such room so set off to such State; and

WHEREAS, The Illinois branch of said Association is now engaged in the work of restoring and refurnishing what is known as the West Parlor, the room so set off to the State of Illinois, and hereafter to be called "The Illinois Room;" therefore

SECTION 1. [APPROPRIATES $150.00 FOR COAT OF ARMS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the sum of one hundred and fifty dollars ($150.00) be, and the same is, hereby appropriated for the cost of furnishing such Coat of Arms, to be executed in such manner and style as shall conform with the general plan of said association in reference to such Coat of Arms.

§ 2. [WHEN AND HOW PAID.] The money herein appropriated shall be paid directly from the treasury of the State, on the warrant of the Auditor of Public Accounts, to the treasurer of the Illinois branch of the Mount Vernon Ladies Association, upon the written order of the vice regent of said association for the State of Illinois.

APPROVED May 21st, 1879.

JOEL JOHNSON—RELIEF OF

SECTION 1. Appropriates $529.80.

AN ACT *for the relief of Joel Johnson, a messenger sent into the State of Texas, to return a fugitive from justice. Approved May* 21, 1879. *In force July* 1, 1879.

WHEREAS, On the 19th day of December, 1873, John L. Beveridge, the then Governor of the State of Illinois, did appoint and commission one Joel Johnson his messenger to go into the State of Texas to capture and return to this State one John W. Haley, who was in-

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dicted in Massac county, in this State, for murder, and who was a fugitive from justice; and,.

WHEREAS, On the 29th day of January, 1874, the said Joel Johnson did start from his home in the county of Johnson, in this State to go to the State of Texas; and

WHEREAS, The said Joel Johnson did go into the State of Texas, and found that the said John W. Haley had fled; and

WHEREAS, The said Joel Johnson did hire and procure the services of the sheriff of Harris county, in said State of Texas, to assist in capturing the said John W. Haley, and,

WHEREAS, The said sheriff, together with his deputy, did after long and continuous pursuit capture the said John W. Haley, and deliver him to the said Joel Johnson, who returned him safely to the proper authorities of this State, and

WHEREAS, The said Joel Johnson, in the discharge of his duties as messenger, as aforesaid, did hire and pay for assistance as aforesaid, and traveling expenses while in the discharge of his duty as messenger as aforesaid, the sum of seven hundred and twenty-four dollars and eighty cents; ($724.80-100) and,

WHEREAS, The Governor only allowed the said Joel Johnson for his services and expenses as aforesaid the sum of three hundred and ninety-five dollars; ($395.00) therefore,

SECTION 1. [APPROPRIATES $529.80.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That there be and hereby is appropriated out of the treasury, the sum of three hundred and twenty-nine dollars and eighty cents ($329.80-100) to pay said Joel Johnson his said unpaid expenses in and about the capture and return of said fugitive, and also the further sum of two hundred dollars ($200.00) as and for his reward for the capture of said fugitive, and that the Auditor issue his warrant on the treasury therefor.

APPROVED May 21st, 1879.

NATURAL HISTORY, MUSEUM AND STATE LABORATORY.

§ 1. Appropriates sums named.
§ 2. How drawn.
§ 3. Limitation.

AN ACT *making an appropriation for the ordinary expenses of the State Laboratory of Natural History at Normal, and for the improvement of the Library thereof, and for the increase of the natural history collections of the State Historical Library and Natural History Museum at Springfield. Approved May* 29, 1879. *In force July* 1, 1879.

SECTION 1. [APPROPRIATES SUMS NAMED.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,*

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That there be, and hereby is, appropriated to the State Laboratory of Natural History, at Normal, for the purpose of increasing the collections in natural history, of the State Historical Library and Natural History Museum, at Springfield, the sum of one thousand dollars per annum.

For the supply of State Educational Institutions, the sum of two hundred and fifty dollars per annum.

For the supply of public high schools, the sum of two hundred and fifty dollars per annum.

For the investigation of the food of birds, the sum of two hundred dollars per annum.

For the investigation of the food of fishes, the sum of one hundred and fifty dollars per annum.

For publication of bulletins, the sum of two hundred and fifty dollars per annum.

For library, new books, the sum of one thousand dollars per annum.

For cataloguing the same, the sum of one hundred dollars per annum.

For pay of assistant, the sum of eight hundred dollars per annum.

§ 2. [How drawn.] The Auditor of Public Accounts, is hereby authorized and required to draw his warrant upon the treasurer for the aforesaid moneys, upon the order of the State Board of Education, signed by the president and attested by the secretary of said board: *Provided*, that no part of the moneys herein appropriated shall be due and payable to the said institution, until satisfactory vouchers in detail, approved by the Governor have been filed with the Auditor for the expenditure of the last quarterly installment of appropriations herein or heretofore made.

§ 3. [Limitation.] This act shall be and continue in force from the first day of July A. D. 1879, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

Approved May 29th, 1879.

STATE CHARITABLE INSTITUTIONS.

ORPHANS' HOME—ILLINOIS SOLDIERS'.

§ 1. Appropriates $39,750 annually.
§ 2. Appropriates $3,500 for repairs, etc.
§ 3. When and how drawn.

An Act *to make appropriations for the Illinois Soldiers' Orphans' Home, and to maintain said institution for the next two years. Approved May* 24, 1879. *In force July* 1, 1879.

Section 1. [Appropriates $39,750.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That

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from and after the first day of July, A. D. 1879, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly, there is hereby appropriated to the Soldiers' Orphans' Home the sum of thirty-nine thousand seven hundred and fifty ($39,750) dollars per annum, payable quarterly in advance, for the ordinary and incidental expenses of said institution.

§ 2. [APPROPRIATES FOR REPAIRS, ETC. $3,500.] And there is further appropriated to the said institution for the following purposes, viz; For necessary improvements and repairs three thousand dollars ($3,000), and for the necessary sewerage of the Home building five hundred dollars, ($500).

§ 3. [WHEN AND HOW DRAWN.] The Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the State Treasurer for the amounts herein appropriated upon the order of the board of trustees, signed by the president and attested by the secretary, with the seal of the institution, subject to the provisions of sections eighteen (18), nineteen (19) and twenty (20) of an act to regulate the State institutions etc, approved April 15th 1875.

APPROVED May 24th, 1879.

STATE PENAL INSTITUTIONS.

PENITENTIARY—ILLINOIS STATE,

§ 1. Appropriation to pay indebtedness. | § 2. When and how drawn.

AN ACT *making an appropriation for the Illinois State Penitentiary at Joliet. Approved May* 28, 1879. *In force July* 1, 1879.

SECTION 1. [APPROPRIATION TO PAY INDEBTEDNESS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That for the purpose of paying the debts of the Illinois State Penitentiary the sum of forty-three thousand five hundred and fifteen dollars and fifty cents ($43,515 50) or so much thereof as may be necessary, be, and is, hereby appropriated to pay the indebtedness of the penitentiary contracted before the first day of October A. D. 1878. *Provided*, that no part of the money herein appropriated shall be used for the payment of any gas machine, and no payment shall be made to any person on account of said indebtedness, unless such person shall present his claim to said commissioners in writing, and accompany the same with an affidavit showing the nature of the indebtedness, the time when the same was contracted, and the amount justly due thereon, after allowing all credits; and each claim so presented and verified shall thereafter and before any payment is made thereon, be approved by the commissioners and warden of said penitentiary.

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§ 2. [When and how drawn]. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sum herein specified upon presentation of the proper vouchers, and the State Treasurer shall pay the same out of any funds in the treasury not otherwise appropriated.

Approved May 28th, 1879.

STATE PENAL INSTITUTIONS.

PENITENTIARY—ILLINOIS STATE.

§ 1. Appropriates $50,000.
§ 2. Commissioners to make statement.
§ 3. How drawn.

An Act *to provide for the ordinary expenses of the Illinois State Penitentiary. Approved May* 29, 1879. *In force July* 1, 1879.

Section 1. [Appropriates $50,000.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of fifty thousand dollars ($50,000) be, and the same is hereby appropriated to the Illinois State Penitentiary at Joliet, for the purpose of defraying the ordinary expenses.

§ 2. [Commissioners to make statement.] The commissioners of the penitentiary shall make to the Auditor, on or before the tenth day of each month, a detailed statement of all moneys received and expended during the preceding month, verified by the warden of the penitentiary, and accompany such report with proper vouchers for all such expenditures. They shall, at the same time, make a statement in detail of all their liabilities for such expenditures, in excess of receipts as aforesaid, verified by affidavit by the warden and by at least two commissioners, and approved by the Governor.

§ 3. [How drawn.] The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer, payable to the commissioners, for a sum equal to the amount of such deficiency, as shown by such verified statement. The commissioners shall disburse the same in payment of said liabilities, and shall, as fast as practicable, file vouchers for such payment with the Auditor, no payment shall be made out of this appropriation for any month until the commissioners have filed with the Auditor vouchers for all sums previously drawn. Nor shall any payment be made out of said fund for the purpose of paying any debt or part thereof, created previous to the taking effect of this act.

Approved May 29th, 1879.

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PENITENTIARY—ILLINOIS STATE.

§ 1. Appropriates $10,900 for repairs. | § 2. How drawn.

AN ACT *making appropriations for renewing the roofs of the warden house, cell houses and shops, and for rearranging and refitting the hospital of the Illinois State Penitentiary, and for construction of apparatus to properly heat and ventilate the cell houses of said Penitentiary. Approved May* 29, 1879. *In force July* 1, 1879.

SECTION 1. [APPROPRIATES $10,900.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following amounts be and hereby are appropriated to the Illinois State Penitentiary at Joliet for the purposes herein named, and for no other:

For renewing roofs and making necessary repairs on the warden house, cell houses, and shops of said penitentiary, the sum of fifteen thousand ($15,000) dollars or so much thereof as may be necessary.

For heating and ventilating apparatus complete for the east and west cell houses of said penitentiary, the sum of ten thousand nine hundred (10,900) dollars.

For rearranging and refitting the hospital the sum of nine hundred (900) dollars.

§ 2. [HOW DRAWN.] The Auditor of Public Accounts is hereby authorized to draw his warrant upon the Treasurer for the moneys herein appropriated upon the orders of the Board of Commissioners of said penitentiary, signed by the president and attested by the secretary, with the seal of said institution thereto affixed.

APPROVED May 29th, 1879.

PENITENTIARY—ILLINOIS SOUTHERN.

§ 1. Appropriates $35,000—how paid.
§ 2. Vouchers. | § 3. Emergency.

AN ACT *to pay the indebtedness of the Southern Illinois Penitentiary, and meet the current expenses therof until April* 1*st,* 1879. *Approved and in force May* 29, 1879.

SECTION 1. [APPROPRIATES $35,000—HOW PAID.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*; That the sum of thirty-five thousand dollars or so much thereof, as may be necessary, be and the same is hereby appropriated to pay the indebtedness and meet the current expenses of the Southern Illinois Penitentiary till April 1st, 1879, to be paid to the commissioners of said penitentiary out of any moneys in the hands of the Treasurer not otherwise appropriated, on the warrant of the Auditor of Public Accounts. And the Auditor is hereby authorized to draw his warrant on the Treasurer for said sum, or any part thereof, on receiving

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a certificate of said commissioners, or a majority of them, approved by the Governor, that said sum is necessary for the purposes contemplated by this act.

§ 2. [VOUCHERS.] It shall be the duty of said commissioners to file with the Auditor, vouchers, showing to whom the money herein appropriated is paid, in what sum, and for what purpose.

§ 3. [EMERGENCY.] Whereas, an emergency exists, therefore, this act shall take effect and be in force from and after its passage.

APPROVED May 29th, 1879.

PENITENTIARY ILLINOIS SOUTHERN.

§ 1. Appropriates $150,000. | § 2. Emergency.

AN ACT *making an appropriation to complete the Southern Illinois Penitentiary. Approved and in force May* 29, 1879.

SECTION 1. [APPROPRIATES $150,000.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the sum of one hundred and fifty thousand dollars or so much thereof as may be necessary be, and the same is, hereby appropriated for the purpose of purchasing necessary material and the employment of such skilled labor as the penitentiary commissioners shall find absolutely necessary in the erection and completion, with the employment of convict labor, in the completion of the north cell-house with capacity for at least four hundred additional convicts; the building of a chapel laundry, convict kitchen, ice, meat and smoke house, hospital, solitary, engine house and fuel rooms, one workshop, gas works and fixtures, pumps and reservoir, steam heating apparatus, plumbing and foundation of south cell house of the Southern Illinois Penitentiary, in accordance with the plans and specifications adopted for the said Southern Illinois Penitentiary: *Provided*, that the workshop or any other building other than the cell-house, may be built of brick, in the discretion of the commissioners. The commissioners of said Penitentiary shall make no contracts for, or otherwise employ any other than convict labor where the same can be used with due regard to the proper construction of said buildings.

The money herein appropriated shall be paid upon vouchers properly certified by the Commissioners of said Penitentiary and approved by the Governor, out of any money in the Treasury not otherwise appropriated, on the warrant of the Auditor of Public Accounts in sums not exceeding ten thousand dollars at any one time and the Auditor is hereby authorized to draw his warrant on the Treasurer in said sums of not exceeding ten thousand dollars each, for the amount of money herein appropriated on receiving a certificate of said Commissioners or a majority of them approved by the Governor that said money is necessary for the purposes contemplated in this act: *Provided*, that after said Commissioners shall have drawn any amount of money

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by virtue of this act, they shall not be entitled to draw or receive any more money by virtue hereof, while there shall remain in their hands unexpended, the amount of over one thousand dollars, and they shall produce to the Auditor of Public Accounts proper vouchers showing the expenditure of such money. Said certificate shall show the name of each party to whom any money may be due, together with the amount and for what purpose the expenditure was incurred: *Provided further*, that nothing herein shall be construed as to prevent the Commissioners from drawing the first ten thousand dollars in advance as a working fund. And the Commissioners of the said Southern Penitentiary are hereby authorized to use such portion of the appropriation herein made as may be available for the purpose of erecting a hospital department adapted to the custody and care of insane convicts.

§ 2. [EMERGENCY.] WHEREAS, The appropriation heretofore granted the above institution has been exhausted, and the buildings are not completed, and an emergency exists, therefore; this act shall take effect and be in force from and after its passage.

APPROVED May 29th, 1879.

PENITENTIARY—ILLINOIS SOUTHERN.

§ 1. Appropriates $150,000—how paid.

AN ACT *making an appropriation to complete the Southern Illinois Penitentiary. Approved May* 31, 1879. *in force July* 1, 1879.

SECTION 1. [APPROPRIATES $150,000—HOW PAID.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the sum of one hundred and fifty thousand dollars or so much thereof as may be necessary be, and the same is, hereby appropriated for the purpose of purchasing necessary material and the employment of such skilled labor as the penitentiary commissioners shall find absolutely necessary in the erection and completion with the employment of convict labor, in the completion of the north cell house with capacity for at least four hundred additional convicts; the building of a chapel, laundry, convict kitchen, ice, meat and smoke house, hospital, solitary, engine house and fuel rooms, one workshop, gas works and fixtures, pumps and reservoir, steam heating apparatus, plumbing and foundation of south cell house of the Southern Illinois Penitentiary, in accordance with the plans and specifications adopted for the said Southern Illinois Penitentiary: *Provided*, that the workshop or any other building other than the cell house, may be built of brick in the discretion of the Commissioners. The Commissioners of said Penitentiary shall make no contracts for or otherwise employ any other than convict labor where the same can be used with due regard to the proper construction of said buildings.

The money herein appropriated shall be paid upon vouchers proper-

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ly certified by the Commissioners of said Penitentiary and approved by the Governor, out of any money in the treasury not otherwise appropriated, on the warrant of the Auditor of Public Accounts in sums not exceeding ten thousand dollars at any one time and the Auditor is hereby authorized to draw his warrant on the Treasurer in said sums of not exceeding ten thousand dollars each for the amount of money herein appropriated on receiving a certificate of said Commissioners or a majority of them, approved by the Governor that said money is necessary for the purposes contemplated by this act: *Provided*, that after said Commissioners shall have drawn any amount of money by virtue of this act, they shall not be entitled to draw or receive any more money by virtue hereof while there shall remain in their hands unexpended the amount of over one thousand dollars, and they shall produce to the Auditor of Public Accounts proper vouchers showing the expenditure of such money. Said certificate shall show the name of each party to whom any money may be due, together with the amount and for what purpose the expenditure was incurred: *Provided further*, that nothing herein shall be construed as to prevent the Commissioners from drawing the first ten thousand dollars in advance as a working fund; And the Commissioners of the said Southern Penitentiary are hereby authorized to use such portion of the appropriation herein made as may be available for the purpose of erecting a hospital department adapted to the custody and care of insane convicts.

APPROVED May 31st, 1879.

PENITENTIARY—ILLINOIS SOUTHERN.

FOR SOUTHERN ILLINOIS PENITENTIARY.

§ 1. Appropriates $200,000—how drawn.
§ 2. Restriction.
§ 3. Monthly statement.

AN ACT *making appropriation for the support of the Southern Illinois Penitentiary. Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. [APPROPRIATES $200,000—HOW DRAWN.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the amount of two hundred thousand dollars ($200,000) be, and hereby is appropriated to the Southern Illinois Penitentiary, from July 1, 1879, to July 1, 1881, for the purpose of defraying the ordinary expenses thereof, and for no other purpose; which amount shall be paid to the Commissioners of said penitentiary, on the warrant of the Auditor of Public Accounts, in sums not exceeding five thousand dollars ($5,000), at any one time. The Auditor of Public Accounts is hereby authorized to draw his warrant on the Treasurer for the money hereby appropriated, on receiving a certificate of said commissioners, or a majority of them, approved by the Governor, that such money is

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necessary for the purpose contemplated by this act, in sums not exceeding five thousand dollars at one time.

§ 2. [RESTRICTION.] After said commissioners shall have drawn any amount of money by virtue of this act, they shall not be entitled to draw or receive any more by virtue hereof, while there shall remain in their hands an amount unexpended exceeding one thousand dollars ($1,000), and they shall file with the Auditor of Public Accounts, proper vouchers showing the expenditure of such money.

§ 3. [MONTHLY STATEMENT.] Said commissioners shall file with the Auditor of Public Accounts, on or before the 15th of each month, a statement verified by the warden and a majority of the commissioners, which statement shall contain a complete financial exhibit of the prison for the month next preceding, showing in full detail the receipts from all sources and all expenditures.

APPROVED May 31st, 1879.

REFORM SCHOOL AT PONTIAC.

§ 1. Appropriations for ordinary expenses. | § 2. How paid.

AN ACT *making appropriations for the State Reform School, at Pontiac. Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. [APPROPRIATIONS FOR ORDINARY EXPENSES.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following sums be and are hereby appropriated to the State Reform School at Pontiac, for the purposes herein specified. For ordinary expenses the sum of twenty-two thousand dollars ($22,000), together with the balance of funds in the hands of the treasurer of said institution, for the year beginning July 1, 1879, and ending June 30, 1880, and twenty-eight thousand dollars for the year ending June 30, 1881.

For repairs and improvements, two thousand dollars ($2,000.00) per annum.

For replenishing the library and furnishing papers, two hundred dollars ($200.00) per annum.

For drainage one thousand dollars ($1,000.00).

And for the improvement of the ground two hundred dollars ($200.00).

§ 2. [HOW PAID.] The moneys herein appropriated shall be paid to the institution in the manner and upon the conditions now provided by law.

APPROVED May 31st, 1879.

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UNIVERSITIES.

UNIVERSITY—ILLINOIS INDUSTRIAL.

§ 1. Appropriations for various purposes. | § 2. When and how drawn.

AN ACT *making appropriations for Illinois Industrial University. Approved May* 22, 1879. *In force July* 1, 1879.

SECTION 1. [APPROPRIATIONS FOR DIFFERENT OBJECTS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That there be and hereby is appropriated to the Industrial University at Urbana, for the payment of taxes accruing in the years 1878, and 1879, on lands owned and held by the State, for the use of said institution, in the county of Gage, in the State of Nebraska, and in the counties of Pope, Kandiyohi, and Renville, in the State of Minnesota, the sum of two thousand five hundred dollars ($2,500) per annum.

For current repairs and improvements on buildings and grounds for the said University, during the years 1879, and 1880, the sum of two thousand five hundred dollars ($2,500) per annum.

For current expenses of the chemical and physical laboratories of the said University, for the years 1879 and 1880, the sum of one thousand dollars ($1,000) per annum.

For the current expenses for educational work and practical instruction of students in the mechanical shops of said university, for the years 1879 and 1880, the sum of one thousand five hundred dollars ($1,500) per annum.

For the University library and museum for the years 1879, and 1880, to wit;

For the purchase of books, and publication and binding of same, one thousand five hundred dollars, ($1,500) per annum.

For collecting and mounting of specimens for geological, mineralogical and zoological cabinets, the sum of one thousand dollars ($1,000).

For the erection of new water closets for the main building, additional drainage for the same, additional steam heating coils, water and gas service pipe; also, improvements for ventilation of said building, the sum of two thousand five hundred dollars, ($2,500).

For the purchase of an engine, boiler and steam pipes for use in heating the University main building, and the general repair of the heating apparatus of the University the sum of three thousand dollars ($3,000).

§ 2. [WHEN AND HOW DRAWN.] The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sum herein appropriated, payable out of any money in the Treasury not otherwise appropriated, upon the order of the president of said board, attested by the Secretary, with the corporate seal of the University: *Provided*, that no part of said sum shall be due and payable to said institution until satisfactory vouchers in detail, approved by the Governor, shall be filed with the Auditor for all previous

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expenditures incurred by the institution on account of appropriations heretofore made; *And, provided further*, That vouchers shall be taken in duplicate, and original or duplicate vouchers shall be forwarded to the Auditor of Public Accounts for the expenditures of the sums appropriated in this act.

APPROVED May 22d, 1879.

UNIVERSITY—NORMAL AT NORMAL.

§ 1. Appropriates $16,000.
§ 2. When and how drawn.
§ 3. When act expires.

AN ACT *making an appropriation for the ordinary expenses of the Normal University, at Normal, and for additions to the library, museum and apparatus thereof. Approved May* 21, 1879. *In force July* 1, 1879.

SECTION 1. [APPROPRIATES $16,000.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That there be and hereby is, appropriated to the Normal University at Normal, for ordinary expenses in addition to the one half of the interest of the college and seminary fund, which is hereby appropriated, the further sum of sixteen thousand dollars ($16,000) per annum, payable quarterly in advance, for the payment of salaries; for the purchase of fuel; for additions to library and museum; for apparatus, and for incidental expenses; *Provided*, that the expenses of the model and high schools, shall be paid from the receipts for tuition of the pupils, in said schools.

§ 2. [WHEN AND HOW DRAWN.] The Auditor of Public Accounts, is hereby authorized and required to draw his warrant upon the Treasurer, for the aforesaid sums of money, upon the order of the State Board of Education, signed by the president and attested by the secretary of said board, with the corporate seal of the institution; *Provided*, that no part of the moneys herein appropriated, shall be due and payable to the said institution, until satisfactory vouchers, in detail, approved by the Governor, have been filed with the Auditor, for the expenditure of the last quarterly installment of appropriations herein or heretofore made for the defraying of the ordinary expenses of said university.

§ 3. [WHEN ACT EXPIRES.] This act shall be and continue in force from the first day of July A. D. 1879, until the expiration of the first fiscal quarter, after the adjournment of the next General Assembly.

APPROVED May 21st, 1879.

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UNIVERSITY—NORMAL—SOUTHERN.

§ 1. Appropriates $13,591 44-100. and $1,200 | § 2. When and how drawn.

AN ACT *making appropriations for the ordinary expenses of the Southern Illinois Normal University at Carbondale, and repairs on its building, and for additions to its library, museum and apparatus. Approved May 24th,* 1879. *In force July* 1, 1879.

SECTION 1. [APPROPRIATES $13,591 44, AND $1,200.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be and hereby is, appropriated to the Southern Illinois Normal University at Carbondale, in addition to the one-half of the interest of the College, and Seminary fund which is hereby appropriated, the further sum of thirteen thousand five hundred and ninety-one dollars and forty-four cents, ($13,591 44,) per annum payable quarterly in advance from the first day of July, 1879, to the first fiscal quarter after the adjournment of the next General Assembly, for the payment of salaries, for the purchase of fuel, for repairs on the building, for additions to the library, museum and apparatus, for the care of the grounds and for contingent and incidental expenses: *Provided,* That the expenses of the model and high schools shall be paid out of the receipts of tuition from the pupils in said schools; for the construction of a brick walk leading to the building upon the grounds of said university there is hereby appropriated the sum of one thousand two hundred dollars, ($1,200).

§ 2. [WHEN AND HOW DRAWN.] The Auditor of Public Accounts is hereby authorized and required to draw his warrants upon the Treasurer for said sums upon the order of the trustees signed by the president, and attested by the secretary, with the corporate seal of the institution attached: *Provided,* That satisfactory vouchers in detail, approved by the Governor, shall be filed quarterly with the Auditor of Public Accounts for the expenditures, ordinary and extraordinary, of the preceding quarter, and that no part of the moneys herein appropriated shall be due and payable until such vouchers shall have been filed.

APPROVED May 24th, 1879.

WABASH COUNTY—TO REIMBURSE.

§ 1. Appropriates $15,000. | § 2. When and how drawn.

AN ACT *to reimburse the county of Wabash for loss and damage of public buildings by tornado. Approved May* 24, 1879, *In force July* 1, 1879.

WHEREAS, On the fourth day of June, 1877, the court house of the county of Wabash, together with a large amount of other public and private property in said county was destroyed by a tornado; and

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WHEREAS, The public indebtedness of said county exceeds, and did at the time of the adoption of the Constitution, exceed the limitation of such indebtedness allowed by the Constitution; therefore

§ 1. [APPROPRIATES $15,000.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the sum of fifteen thousand dollars, ($15,000) be, and the same is, hereby appropriated to reimburse the county of Wabash for the losses sustained in the total destruction of the court house, and the partial destruction of the clerks offices and jail of said county by tornado as aforesaid.

§ 2. [WHEN AND HOW DRAWN.] The appropriation hereby made, shall be used exclusively in rebuilding the court house in said county of Wabash; and the Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the Treasurer for the aforesaid sum of fifteen thousand dollars, ($15,000) payable to the contractor or contractors for building said court house, at such time or times, and in such sum or sums as the county commissioners of said county, by order made when in session and entered of record, may designate.

APPROVED May 24th, 1879.

JAMES N. WILSON AND THOMAS PENIWELL—RELIEF OF.

§ 1 Appropriates $6,000 | § 2. How paid.

AN ACT *making an appropriation for the relief of certain persons who were disabled through the premature discharge of a piece of ordnance belonging to the State Arsenal. Approved May* 24, 1879. *In force July* 1, 1879.

WHEREAS, At a soldiers' reunion held at Decatur, Illinois, on the 16th day of October, A. D. 1878, Thomas Peniwell, who served in Battery I, of 2nd Illinois Artillery, and James N. Wilson, who served in Battery B, of 2nd Ohio Artillery, were each deprived of an arm through the premature discharge of a piece of ordnance belonging to the State Arsenal; and,

WHEREAS, Said piece of ordnance was defective, honey combed and unsafe to handle by reason of its holding fire; therefore,

SECTION 1. [APPROPRIATES $6,000.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the sum of $6,000 be appropriated out of the Treasury, out of any funds not otherwise appropriated, for the purpose of compensating the said Thomas Peniwell, and James N. Wilson in full for all damages that may have accrued to them through the premature discharge of said piece of ordnance; three thousand of the six thousand dollars aforesaid, to be paid to the said Thomas Peniwell, and three thousand to the said James N. Wilson.

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§ 2. [How Paid.] The Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the State Treasurer, for the sums herein specified to the order of said James N. Wilson and Thomas Peniwell respectively, and the State Treasurer shall pay the same out of any funds in the State Treasury not otherwise appropriated.

Approved May 24th, 1879.

ANIMALS.

DOGS AND SHEEP.

§ 1. Assessor to make list.
§ 2. License fee
§ 3. License fund—how paid out.
§ 4. Payment not to bar action, when.
§ 5. Affidavit to show damage.
§ 6. Damages, how ascertained.
§ 7. Summons.
§ 8. Fees of justice, appraisers, etc.
§ 9. Meaning of "dog."

An Act *to indemnify the owners of sheep in cases of damage committed by dogs. Approved May 29th*, 1879. *In force July* 1, 1879.

Section 1. [Assessor to make list.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That each county and township assessor in this State, when making the assessment, shall annually make a list of the names of all persons who own or keep a dog or dogs, and set opposite the name of such owner or keeper the number of dogs he or she has in his or her possession, or that is or are kept on his or her premises; which list shall be returned by such assessor to the county clerk of the county in which said list is taken as soon as the assessment is completed.

§ 2. [License fee.] The county clerk shall charge upon the collectors book against the name of each person reported and returned as the owner or keeper of a dog or dogs, as a license fee, the sum of one dollar for each dog owned or kept by such person, which fee shall be collected at the same time, and in the same manner as taxes upon personal property. In counties not under township organization, the collector shall pay the amount received from the licenses aforesaid to the treasurer of his county, and in counties under township organization the sum so collected in each town, shall be paid by the collector to the supervisor of his town, who shall first give to the people of the State of Illinois, for the use of the inhabitants of his town, a bond with at least two sureties, to be approved by the Board of Supervisors of his county, in double the sum of such license fees in his town, conditioned that he will faithfully pay out said fund as hereinafter provided. Said bond shall be filed and remain in the office of the county clerk of the proper county.

§ 3. [License fund—how paid out.] It shall be the duty of the county treasurers and supervisors having the custody of the funds collected as license fees as aforesaid, to pay the same out in the manner following:

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First.—By such county treasurers to the owners of sheep in their respective counties, and by the supervisors to the owners of sheep in their respective towns, who shall make proof to them before the first Monday of March in each year, of loss or injury to sheep by dogs other than their own, the full amount of the loss or injury so proved, if there are funds sufficient to pay the same; if there be not sufficient funds to pay such loss or injury in full, then the owners of sheep so sustaining loss or injury as aforesaid, and making proof thereof as in this act provided, shall be paid out of such fund in proportion to his or her loss or injury, or his or her *pro rata* share thereof.

Second.—If there be a balance of such license fund left in the hands of the county treasurer, or town supervisor, after paying the losses and injuries sustained as aforesaid, such balance shall be paid to the county superintendent of schools of his county for the support of schools throughout his county, and by the supervisor of the town, in counties under township organization, into the general fund of the town, to be disposed of as such town shall deem proper.

§ 4. [PAYMENT NOT TO BAR ACTION, WHEN.] The payment to any owner of sheep of money for damages resulting from loss or injury to his or her sheep, shall not be a bar to an action by such owner against the owner or keeper of the dog or dogs committing such injury or causing such loss, for the recovery of damages therefor. The court or jury before whom such action is tried shall ascertain from evidence what portion, if any, of the damages sought to be recovered in such action has been paid to the plaintiff in such action by the county treasurer or supervisor of the proper county or town; and in case the plaintiff in such action recovers damages, the court shall enter judgment against the defendant, in the name of the plaintiff, for the use of the proper county or town as the case may be, for the amount which the plaintiff has received on account of such damages from the county treasurer or supervisor of the proper county or town, if such recovery shall equal or exceed the amount so received by such plaintiff from the county treasurer, or town supervisor of his county or town; and the residue of such recovery, if any there be, shall be entered in the name of the plaintiff in such action to his own use; if the amount of the recovery in such action shall not equal the amount previously paid to the plaintiff on account of such damages by the county treasurer or the town supervisor of the proper county or town, then the judgment shall be entered as aforesaid, for the use of such county or town, for the full amount of such recovery. Writs of execution issued upon such judgments shall show on their face what portion of the judgment is to be paid to the proper county or town, and what portion is to be paid to the plaintiff in such action, and the judgment when collected shall be paid over to the parties entitled thereto, in their proper proportions.

§ 5. [AFFIDAVIT TO SHOW DAMAGE, ETC.] No owner of sheep shall be entitled to receive any portion of the fund herein provided for, without first filing an affidavit with the county treasurer in counties not under township organization, and in counties under township organization, with the supervisor of the town in which his or her sheep

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were injured or destroyed, stating that the name of the owner or keeper of the dog or dogs which destroyed or injured his or her sheep is unknown to him or her, or if known, then stating the name and that such owner or keeper is insolvent, and that the affiant has received no compensation from such owner or keeper, or from any other person, for his or her damages aforesaid; which affidavit may be made before any person authorized to administer oaths.

§ 6. [DAMAGES—HOW ASCERTAINED.] For the purpose of ascertaining the value of all sheep killed or injured by any dogs not owned or kept by the proprietor of such sheep, it shall be the duty of all persons having sheep killed or injured, as aforesaid, to notify the nearest justice of the peace who can be found of such loss or injury within twenty-four hours after such loss or injury is discovered; and thereupon, the said justice of the peace shall immediately summon three disinterested men, being freeholders, to act as appraisers of the value of the sheep killed or injured as aforesaid. The said appraisers shall be sworn by the said justice of the peace to make a true and correct estimate of the number and value of the sheep killed or injured by dogs, so far as they may be able to ascertain the same. The said justice of the peace shall receive from the said appraisers their estimate as aforesaid, in writing, signed by them, and attach thereto his certificate certifying that the said appraisers were duly summoned by him upon the application of the owner of the sheep killed or injured, or on the application of the agent of such owner, and shall within five days thereafter file said estimate and certificate with the treasurer of his county, in counties not under township organization, and with the supervisor of the town in which such sheep were killed or injured, in counties under township organization; and said estimate and certificate, when so filed shall be sufficient evidence of loss or damage by dogs, as aforesaid, and the license fund aforesaid in the hands of the treasurer or supervisor shall be paid out thereupon on the first Monday of March in each year, as hereinbefore provided.

§ 7. [SUMMONS.] The summons mentioned in the preceding section shall specify the time and place when and where said appraisers shall meet to discharge their duties, and shall be served by any constable of the proper county, who shall receive for his services the like fees as are given by law for serving like process in other cases before justices of the peace.

§ 8. [FEES OF JUSTICE, APPRAISERS, ETC.] The justices of the peace shall receive for issuing summons and administering oaths under this act, the same fees as are given by law for like services in other cases; and for making and filing certificate with the estimate of said appraisers as herein provided for, the sum of one dollar. Appraisers under this act, shall receive for their services, the sum of two dollars each, per day, for every days necessary attendance in making appraisements under this act. All fees given for services under this act, shall be paid by the treasurer or supervisor of the proper county or town, out of the fund created by this act, prior to its disposition as in the third section of this act provided.

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§ 9. [MEANING OF "DOG."] The word "dog" as used in this act shall be held and construed to mean all animals of the canine species, both male and female.

APPROVED May 29th, 1879.

ASSIGNMENTS—VOLUNTARY.

DISCONTINUANCE OF PROCEEDINGS.

§ 1. Discontinuance of proceedings.

AN ACT *to amend an act entitled "An Act concerning voluntary assignment and conferring jurisdiction therein upon county courts," approved May* 22, 1877. *Approved May* 31, 1879. *In force July* 1, 1879.

§ 15. [DISCONTINUANCE OF PROCEEDINGS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An Act concerning voluntary assignments, and conferring jurisdiction therein upon county courts; approved May 22, 1877, be and the same is hereby amended, by adding thereto the following section, to-wit:

§ 15. All proceedings under the act of which this is amendatory, may be discontinued upon the assent, in writing, of such debtor, and a majority of his creditors in number and amount; and in such case all parties shall be remitted to the same rights and duties existing at the date of the assignment, except so far as such estate shall have already been administered and disposed of; and the Court shall have power to make all needful orders to carry the foregoing provision into effect.

APPROVED May 31st, 1879.

ATTORNEYS AND COUNSELORS.

REPEAL.

§ 1 Repeal.

AN ACT *to repeal an act entitled "An act to restrain persons not attorneys to practice before justices of the peace," approved May* 23d, 1877, *in force July* 1st, 1877. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. [REPEAL.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An Act to restrain persons not attorneys to practice before justices of the peace," approved May 23d, 1877, in force July 1st, 1877, be and the same is hereby repealed.

APPROVED May 31st, 1879.

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BASTARDY.

§ 3. Examination—bail.
§ 4. Trial—county or criminal court.
§ 11. Default of payment.
§ 12. Contempt—lien of judgment—emergency.

AN ACT *to amend an act entitled "An act concerning bastardy," approved April* 3, 1872; *in force July* 1, 1872. *Approved and in force May* 29, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That sections three (3), four (4), eleven (11), and twelve (12) of an act entitled "An act concerning bastardy," be and the same are hereby amended, so as to read as follows:

SECTION 3. [EXAMINATION—BAIL.] Upon his appearance, it shall be the duty of said justice to examine the woman, upon oath or affirmation, in the presence of the man alleged to be the father of the child, touching the charge against him. The defendant shall have the right to controvert such charge, and evidence may be heard as in cases of trial before the county court. If the justice shall be of the opinion that sufficient cause appears, it shall be his duty to bind the person so accused in bond, with sufficient security, to appear at the next county court, to be holden in such county, to answer such charge, to which court said warrant and bond shall be returned, except that in the county of Cook, where said warrant and bond shall be returned to the criminal court of Cook county. On neglect or refusal to give bond and security, the justice shall cause such person to be committed to the jail of the county, there to be held to answer the complaint.

§ 4. [TRIAL—COUNTY OR CRIMINAL COURT.] The county or the said criminal court of such county, at its next term, shall cause an issue to be made up, whether the person charged, as aforesaid, is the real father of the child or not, which issue shall be tried by a jury. When the person charged appears and denies the charge, he shall have a right to controvert, by all legal evidence the truth of said charge.

§ 11. [DEFAULT OF PAYMENT.] Whenever default shall be made in the payment of a quarterly installment, or any part thereof, mentioned in the bond provided for in the foregoing section, the county judge of the county or the judge of the criminal court in Cook county, wherein such bond is filed, shall, at the request of the mother, guardian, or any other person interested in the support of such child, issue a citation to the principal and sureties in said bond, requiring them to appear on some day, in said citation mentioned, during the next term of the county court of said county for probate business, or of the said criminal court, and show cause, if any they have, why execution should not issue against them for the amount of the installment or installments due and unpaid on said bond, which said citation shall be served by any sheriff or constable of the county in which such principal or sureties reside or may be found, at least five days before the term day thereof. And if the amount due on such installment or installments shall not be paid at or before the time mentioned for showing cause as aforesaid, the said judge shall render judgment in favor of the

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people of the State of Illinois, against the principal and sureties who have been served with said citation, for the amount unpaid on the installment or installments due on said bond, and the costs of said proceeding; and execution shall issue from said court against the goods and chattels of the person or persons against whom said judgment shall be rendered, for the amount of said judgment and costs, to the sheriff of any county in the State where the parties to said judgment, or either of them, reside or have property subject to such execution.

§ 12. [CONTEMPT—LIEN OF JUDGMENT—EMERGENCY.] And said judge shall also have power in case of default in the payment, when due, of any installment or installments, or any part thereof, in the condition of said bond mentioned, to adjudge the reputed father of such child guilty of contempt of said court, by reason of the non-payment as aforesaid, and to order him to be committed to the county jail of said county until the amount of said installment or installments so due, shall be fully paid, together with all costs of such commitment, and in the obtaining and enforcing of said judgment and execution, as aforesaid. But the commitment of such reputed father shall not operate to stay or defeat the obtaining of judgment and the collection thereof by execution as aforesaid: *Provided*, That the rendition and collection of judgment, as aforesaid, shall not be construed to bar or hinder the taking of similar proceedings for the collection of subsequent installments on said bond, as they shall become due and remain unpaid. *And, provided, further*, That if the judge, or any other person interested in the support of such child, shall deem it necessary, in order to secure the payment or collection of such judgment, that the same should be made a lien on real estate, a transcript of said proceedings and judgment shall be made by the clerk of said court, and filed and recorded in the office of the clerk of the circuit court of said county, in the same manner and with like effect as transcripts of judgments of justices of the peace are filed and recorded, to make the same a lien on real estate, and execution and other process shall thereupon issue for the collection of said judgment as in case of other judgments in said circuit court, and the provisions of this section, as far as applicable, apply to all bonds which have heretofore been taken in pursuance of the statutes in regard to bastardy.

WHEREAS, The provisions of the statutes, giving jurisdiction in bastardy cases to county courts, are unconstitutional, so far as the county court of Cook county is concerned; therefore, an emergency exists, and this act shall be in force from and after its passage.

APPROVED May 29th, 1879.

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BONDS—OFFICIAL.

§ 1. When additional or new bonds may be required.

AN ACT *to amend section* 1, *of an act entitled "An act to revise the law in relation to official bonds", approved March* 13*th*, 1874 *in force July* 1*st*, 1874. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section one (1) of an act entitled "An act to revise the law in relation to official bonds," approved March 13th, 1874, in force July 1st, 1874, be amended so as to hereafter read as follows:

SECTION 1. [WHEN ADDITIONAL OR NEW BONDS MAY BE REQUIRED.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all official bonds required by law to be given by any public officer, or public employe, including executors, administrators, guardians and conservators, in this State, shall be signed and sealed by any said officer, employe, executor, administrator, guardian or conservator, and his securities, and acknowledged before some officer authorized by law to take acknowledgments of instruments under seal, which said acknowledgments shall be substantially in the following form:

STATE OF . . . }
COUNTY OF . . . } SS.

I, . . . , hereby certify that . . . , who are each personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered said instrument as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and . . seal, this . . . day of . . , A. D. . . .

Which acknowledgment shall be deemed and taken as *prima-facie* evidence that the instrument was signed, sealed and acknowledged in the manner therein set forth, and such acknowledgments shall have the same force and effect as evidence in all legal proceedings, as that given to acknowledgments of deeds of conveyance of real estate. That all public officers or employes who are compelled to give official bonds may be required by the court, officer, or board whose duty it is to take or approve such bonds, to give additional surety or new bonds whenever the security of the original bond has become insufficient by the subsequent insolvency, death or removal of the sureties or any of them, or when for any cause any such bond shall be deemed insufficient. Any officer or employe failing to give bond when required, pursuant to this section, within ten days after he is notified in writing of such request, shall be deemed to have vacated his office.

APPROVED May 31st, 1879.

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BUREAU OF LABOR STATISTICS.

§ 1. Board of commissioners.
§ 2. Duties.
§ 3. Compensation.

AN ACT *to create a Bureau of Labor Statistics and to provide for a Board of Commissioners and Secretary. Approved May* 29, 1879. *In force July* 1, 1879.

SECTION 1. [BOARD OF COMMISSIONERS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be the duty of the Governor with the advice and consent of the Senate, to appoint a board of commissioners of labor, to consist of five members, who shall hold office for two years, three of whom shall be manual laborers, the remaining members of the commission shall be manufacturers or employers of labor in some productive industry, and they shall meet annually on the first Monday in September, at the State Capital, when they shall organize by electing a president from themselves and appointing a secretary who shall hold office for a term of two years or until his successor is appointed; the said secretary to have no voice in the deliberations of said board nor to be selected from the said commissioners.

§ 2. [DUTIES.] The duties of such board shall be to collect, assort, systematize and present in biennial report to the General Assembly, statistical details relating to all departments of labor in the State, especially in its relations to the commercial, industrial, social, educational and sanitary conditions of the laboring classes, and to the permanent prosperity of the mechanical manufacturing and productive industry of the State.

§ 3. [COMPENSATION.] The compensation of said commissioners shall be five dollars per day, for thirty (30) days of each annual session, and the compensation of said secretary shall be twelve hundred ($1,200), per annum. The amount accruing to said commissioners to be paid to them at the expiration of their said annual session of thirty days, and the Auditor of Public Accounts, being hereby authorized to issue his warrant on the treasury in their favor for the amount specified in this section, and the secretary shall be paid quarterly in the same manner. The Auditor is further directed and authorized to draw his warrant for the actual traveling, incidental and office expenses of said commissioners and their secretary on their vouchers sworn to by them and approved by the president of the board and the Governor.

APPROVED May 29th, 1879.

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CANAL COMMISSIONERS TO MAKE DEED.

§ 1. Commissioners authorized to deed certain lands.

AN ACT *to authorize and direct the Canal Commissioners to make a deed of conveyance of lot four* (4), *in block eighteeen* (18), *in the town of Ottawa, to the county of LaSalle. Approved May* 31, 1879. *In force July* 1, 1879.

WHEREAS, The county of LaSalle, by its county commissioners, did on the fifteenth day of August, A. D. 1831, sell to Abner Young for the sum of fifty dollars, lot four (4) in block eighteen (18) in the town of Ottawa, and issue a certificate of sale therefor, and

WHEREAS, in pursuance of said sale, the said county commissioners, did, on the thirty-first day of December, A. D. 1838, execute a deed of conveyance of the said lot to Anthony Pitzer, the legal holder of said certificate of sale; and,

WHEREAS, The owners of said lot have, since said sale, paid taxes assessed on the same by the State of Illinois, for State purposes, to the amount of over four thousand dollars ($4,000 00), and

WHEREAS, The State has, ever since said sale of said lot, recognized the validity thereof by taxing said lot; and,

WHEREAS, It now appears that if said lot was ever conveyed by the State to said county of LaSalle, said conveyance has been lost or destroyed, and no record thereof remains; therefore,

SECTION 1. [COMMISSIONERS AUTHORIZED TO DEED CERTAIN LANDS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the Canal Commissioners be, and they hereby are, authorized and directed to convey to the county of LaSalle, lot four (4), in block eighteen (18), in the town of Ottawa, as laid off by the Canal Commissioners, and to execute and deliver to said county a deed of conveyance for the same: *Provided*, That the deed herein specified shall not be executed except upon the payment of the sum of two hundred and fifty dollars to the Canal Commissioners and that such payment shall be a condition precedent to the execution of such deed.

APPROVED May 31st, 1879.

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CEMETERIES.

§ 1. Control by corporate authorities.

AN ACT *in relation to the control of public graveyards. Approved May* 29, 1879. *In force July* 1, 1879.

SECTION 1. [CONTROL BY CORPORATE AUTHORITIES.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That public graveyards in this State, not under the control of any corporation sole organization or society and located within the limits of cities, villages, towns, townships, or counties not under township organization, shall and may be controlled or vacated by the corporate authorities of such city, village, town, township or county, in such manner as such authorities may deem proper, and in the case of towns, such control may be vested in three trustees, to be elected annually by the voters of such town at the annual town meeting therein.

APPROVED May 29th, 1879.

CHARITIES.

VISITATION.

§ 1. Committee of visitation—powers. | § 2. Report—expenses.

AN ACT *to provide for the visitation and examination of the State Institutions. Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. [COMMITTEE OF VISITATION—POWERS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That at each session of the General Assembly three committees shall be appointed, one of which shall visit the State Charitable Institutions, one shall visit the Penal and Reformatory Institutions, and one shall visit the Educational Institutions of this State. Each committee shall consist of seven members of the General Assembly, two from the Senate and five from the House of Representatives, to be appointed in the same manner as the members of the other standing committees are appointed. It shall be the duty of said committee respectively to visit the said several State Institutions, to make a careful and thorough examination of their condition, to investigate any charges made to them regarding their management, for which purpose they shall have power to take testimony under oath, and to send for persons and papers, and to make report of such visitation and examination to the General Assembly.

§ 2. [REPORT—EXPENSES.] The members of such committees shall also report their actual expenses incurred in the discharge of their said

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duties, and the same shall be allowed and paid, but no committees or members of committees of the General Assembly shall receive any pay for services rendered, or for expenses incurred in visiting said State Institutions, otherwise than as provided by this act.

APPROVED May 31st, 1879.

CITIES, VILLAGES AND TOWNS.

WATER WORKS.

§ 1. Power to supply water—letting contracts.

AN ACT *to amend section* (1) *of an act entitled "An act authorizing cities, incorporated towns, and villages, to construct and maintain Water Works," approved and in force April* 15, 1873. *Approved and in force May* 14, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section one (1) of an act entitled "An Act authorizing cities, incorporated towns and villages to construct and maintain water works," approved and in force April 15th, 1873, be and is hereby amended so as to read as follows:

§ 1. [POWER TO SUPPLY WATER—LETTING CONTRACT—EMERGENCY.] That all cities, incorporated towns and villages in this State, be and are hereby authorized and shall have power to provide for a supply of water for the purposes of fire protection, and for the use of the inhabitants of such cities, incorporated towns or villages by the erection, construction and maintaining of a system of water works or by uniting with any adjacent city, incorporated town or village, in the erection construction and maintaining of a system of water works for the joint use of such cities, incorporated towns or villages, or by procuring such supply of water from any adjacent city, incorporated town or village already having water works. *Provided*, That all contracts for the erection or construction of such works or any part thereof, shall be let to the lowest responsible bidder therefor, upon not less than three (3) weeks public notice of the terms and conditions upon which the contract is to be let having been given by publication in a newspaper published in such city, town or village, or if no newspaper is published therein, then in some newspaper published in the county. *And, provided, further*, That no member of the city council or board of trustees or mayor shall be directly or indirectly interested in any such contract, and in all cases the council or board of trustees as the case may be, shall have the right to reject any and all bids that may not be satisfactory to them.

WHEREAS, An emergency exists, therefore this act shall be in force from and after its passage.

APPROVED May 14th, 1879.

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CITIES, VILLAGES AND TOWNS.

§ 14. Abolishes City Register's office.

AN ACT *to amend an act entitled "An Act to provide for the incorporation of cities and villages." Approved April* 10, 1872. *Approved May* 15, 1879. *In force July* 1, 1879,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That "An Act to provide for the Incorporation of Cities and Villages," approved April 10, 1872, be amended by adding to the said act the following section to article one:

§ 14. [CITY REGISTER'S OFFICE ABOLISHED.] If any city organized or which may hereafter organize under this act, shall have had by the terms and provisions of its special charter a city register's office or other office in which deeds, mortgages or other instruments were required or authorized by law to be recorded in lieu of recording the same in the recorder's office in the county where said city was situated, such city register's office or recorder's office shall be discontinued under this act, and the city register or recorder or other officer having the custody of the records, books and papers pertaining to such city register or recorder's office, shall deposit such records and books, and papers in the office of the recorder of deeds of the county, in which such city is situated, and shall take the receipt of the recorder of deeds therefor, and such records, and books, and papers, shall from thereafter, be deemed and held for all purposes a part of the records of the recorder's office of such county, and shall have like legal effect as if the same had been originally a part of the records of such county recorder's office for all purposes whatsoever, and the same or certified transcripts made therefrom, shall have like force and effect as evidence as other records of said recorder's office.

APPROVED May 15th, 1879.

POWER OF MAYOR.

§ 1. When he may remove officers.

AN ACT *to amend section* 7 *of article* 2 *of an act entitled "An Act to provide for the incorporation of cities and villages," approved April* 10, 1872; *in force July* 1, 1872. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section 7 of article 2 of "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, be amended so as to hereafter read as follows:

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§ 7. [WHEN HE MAY REMOVE OFFICERS.] The mayor shall have power to remove any officer appointed by him, on any formal charge, whenever he shall be of the opinion that the interests of the city demand such removal, but he shall report the reasons for such removal to the council at a meeting to be held not less than five days nor more than ten days after such removal; and if the mayor shall fail, or refuse to file with the city clerk a statement of the reasons for such removal, or if the council by a two-thirds (⅔) vote of all its members authorized by law to be elected, by yeas and nays, to be entered upon its record, disapprove of such removal, such officer shall thereupon become restored to the office from which he was so removed; but he shall give new bonds and take a new oath of office. No officer shall be removed a second time for the same offense.

APPROVED May 31st, 1879.

ORDINANCE LEVYING TAX.

§ 1. Ordinance levying tax—limitation.

AN ACT *to amend section* (1) *of article eight* (8) *of an act entitled "An act to provide for the incorporation of cities and villages," approved April* 10*th*, 1872. *Approved May* 28*th*, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section one (1) of article eight (8) of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872, be and the same is hereby amended to read as follows:

§ 1. [ORDINANCE LEVYING TAX—LIMITATION.] The city council in cities, and boards of trustees in villages, may levy and collect taxes for corporate purposes in the manner following: The city council or boards of trustees, as the case may be, shall annually, on or before the third (3d) Tuesday in September, in each year, ascertain the total amount of appropriations for all corporate purposes legally made and to be collected from the tax levy of that fiscal year; and, by an ordinance, specifying in detail the purposes for which such appropriations are made, and the sum or amount appropriated for each purpose, respectively, levy the amount so ascertained upon all the property subject to taxation within the city or village, as the same is assessed and equalized for State and county purposes for the current year. A certified copy of such ordinance shall be filed with the county clerk of the proper county, whose duty it shall be to ascertain the rate per cent. which, upon the total valuation of all property subject to taxation within the city or village, as the same is assessed and equalized for State and county purposes, will produce a net amount not less than the amount so directed to be levied; and it shall be the duty of the county clerk to extend such tax in a separate column upon the

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book or books of the collector or collectors of State and county taxes, within such city or village. *Provided*, the aggregate amount of taxes levied for any one (1) year, exclusive of the amount levied for the payment of bonded indebtedness or the interest thereon, shall not exceed the rate of two (2) per centum, upon the aggregate valuation of all property within such city or village, subject to taxation therein, as the same was equalized for state and county taxes of the preceding year.

APPROVED May 28th, 1879.

ARTICLE XI.

OF THE ORGANIZATION OF VILLAGES.

§ 8. Trustees—corporate name—powers. | § 13. Annual election.

AN ACT *to amend sections eight and thirteen of article XI of "An act to provide for the incorporation of cities and villages," approved April* 10, 1872. *Approved May 28th*, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That sections eight and thirteen of article XI of "An act to provide for the incorporation of cities and villages," approved April 10th, 1872, be amended so as to read as follows, viz:

§ 8. [TRUSTEES—CORPORATE NAME—POWERS.] In each village organized under this act, there shall be elected by the qualified electors therein six trustees, who shall hold their office until their successors are elected and qualified. At the first election held hereafter there shall be elected the full number of trustees. At the first meeting of the board of trustees held after said first election, the trustees elected shall be divided by lot into two classes; those of the first class shall continue in office for one year, and those of the second for two years from the date of the annual election for that municipal year, and annually thereafter there shall be elected three trustees, who shall hold their office for the term of two years, and until their successors are elected and qualified. The trustees shall choose one of their own number president; and such village shall from the time of the first election held by it under said act be considered in law and equity, a body corporate and politic, by the name and style of "The village of.....," and by such name and style may sue and be sued, contract and be contracted with, acquire and hold real and personal property necessary for corporate purposes, adopt a common seal and alter the same at pleasure, and possess all other powers as a corporation in this act conferred upon cities not exceeding five thousand inhabitants, except as herein otherwise expressly provided. And wherever the words "city council" or "mayor" occur in this act, the same shall be held to apply to the trustees and president of such village, so far as the same may be applicable.

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§ 13. [ANNUAL ELECTION.] The annual election for trustees as provided in section eight and for clerk of a village shall be held on the third Tuesday of April in each year, and special elections may be held, under such regulations as may be provided for by ordinance to fill vacancies in any office elective at the annual election, and for other purposes.

APPROVED May 28th, 1879.

ANNUAL ELECTION.

§ 13. Annual election. | § 2. Emergency.

AN ACT *to amend section* 13 *of article* 11 *of an act entitled "An act to provide for the incorporation of Cities and Villages" approved April* 10*th*, 1872, *in force July* 1*st*, 1872. *Approved and in force March* 8, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section 13 of article 11 of an act entitled "An Act to provide for the incorporation of Cities and villages" approved April 10, 1872 in force July 1, 1872 be amended to read as follows

§ 13. [ANNUAL ELECTION.] An annual election for trustees and a clerk of villages shall be held on the third Tuesday of April in each year. *Provided*—that in villages the territorial limits of which coincide with the territorial limits of any township, an election for trustees and a clerk of village shall be held at the same time and at the same polling places as the annual township election to-wit: On the first Tuesday of April in each year. Special elections may be held, under such regulations as may be provided by ordinance, to fill vacancies and for other purposes.

§ 2. [EMERGENCY.] WHEREAS the inhabitants of certain villages in this State are now subject to the expense of an unnecessary election in each year whereby an emergency exists that this act shall take effect without delay, therefore this act shall take effect and be in force from and after its passage.

APPROVED March 8th, 1879.

CHANGING FROM CITY TO VILLAGE.

§ 1. Changing from city to village.

AN ACT *to amend an act entitled "An Act to provide for the incorporation of cities and villages," approved, April* 10*th, A. D.* 1872, *in force July* 1*st*, 1872. *Approved May* 29, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly*, That the said act entitled, "An

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Act to provide for the incorporation of cities and villages," be amended by adding the following section thereto.

§ [CHANGING FROM CITY TO VILLAGE.] That it shall be the duty of the mayor and common council of any city, upon the petition of one-fourth of the legal voters thereof, and upon ten days previous notice of such application by the city clerk published in some newspaper printed in said city, or by posting such notices in five of the most public places within said city, for said period in case no such newspaper is printed in said city, to fix the time and call an election to decide whether said city shall be organized into a village. That said election shall be governed by the provisions of sections fifty (50), fifty-six (56) and fifty-seven (57) of said act, and the legal voters at said election shall vote for or against the organization of said city into a village, and the tickets shall be written or printed "*For Village Organization*," or "*Against Village Organization*," and if there shall be a majority of the votes cast at said election in favor of the organization of said city into a village, then said city shall be a village within the meaning of said act under its former name so changed, and shall succeed to all the rights and be liable for all the debts and legal liabilities of said city, and the mayor of said city shall, within ten days after said election, give notice of the time and place for the election of trustees as near as may be, as provided for under section one hundred and eighty-four (184) and one hundred and eighty-five (185) of said act, who shall hold their offices until the next regular election. *Provided*: that after one election shall have taken place, no other election for a like purpose until one year shall have elapsed.

APPROVED May 29th, 1879.

ELECTIONS.

§ 1. Elections.

AN ACT *relating to elections and to fix the time for holding the same, in cities having the same territory as an organized township. Approved May* 6, 1879. *In force July* 1, 1879.

SECTION 1. [ELECTIONS.] *Be it enacted by the People of the State of Illinois represented in the General Assembly*, That hereafter the regular charter election for the election of city officers of any city having the same territory as an organized township, shall take place on the same day provided by law for the township election, to-wit: On the first Tuesday of April, anything in the charter of such city to the contrary notwithstanding. And such charter and township elections may be conducted in all respects as provided in and by an act entitled "An Act to amend section seven (7) of article seven of an act entitled 'An Act to revise the law in relation to township organization," approved and in force March 4, 1874; approved and in force March 9, 1877. *Provided*, that this act shall not be so construed as to require any city to hold its charter election oftener than its charter may prescribe.

APPROVED May 6th, 1879.

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ELECTIONS.

§ 1. Time of opening and closing polls.

AN ACT *to provide for the time of opening and closing the polls during elections of cities, towns and villages in this State. Approved May* 29, 1879. *In force July* 1, 1879.

SECTION 1. [TIME OF OPENING AND CLOSING POLLS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That in all city, town or village elections, in this State, the polls shall remain open from eight (8) o'clock A. M., until seven (7) o'clock P. M., any law in any special charter to the contrary notwithstanding.

APPROVED May 29th, 1879.

PUNISHMENT OF PERSONS VIOLATING ORDINANCES.

§ 1. Arrest—punishment.
§ 2. Repeal.
§ 3. Emergency.

AN ACT *to provide for the punishment of persons violating any of the ordinances of the several cities and villages in this State. Approved and in force April* 12, 1879.

SECTION 1. [ARREST—IMPRISONMENT—WORK-HOUSE.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That in all actions for the violation of any ordinance of any city or village organized under any general or special law of this state, the first process shall be a summons: *Provided, however*, that a warrant for the arrest of the offender may issue in the first instance, upon the affidavit of any person that any such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe the party charged is guilty thereof; and any person arrested upon such warrant, shall, without unnecessary delay, be taken before the proper officer, to be tried for the alleged offense. Any person upon whom any fine or penalty shall be imposed may, upon the order of the court or magistrate before whom the conviction is had, be committed to the county jail or the calaboose, city prison, work-house, house of correction, or other place provided by such cities or villages by ordinance for the incarceration of such offenders until such fine, penalty, and cost shall be fully paid: *Provided*, that no such imprisonment shall exceed six months for any one offense. The city council or board of trustees of any such cities or villages shall have power to provide by ordinance that every person so committed shall be required to work at such labor as his or her strength will permit, within and without such prison, work-house, house of correction or other place provided for the incarceration of such offenders, not to exceed ten hours each working day; and for such work the person so employed, or worked, shall be allowed, exclusive of his or her board, the sum of fifty cents for each days work on account of such fine and costs.

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§ 2. [REPEAL.] All acts and parts of acts inconsistent with the foregoing section are hereby repealed.

§ 3. [EMERGENCY.] WHEREAS, In some of the cities and villages in this State, there is no authority for the imprisonment of offenders in work-houses or houses of correction, and requiring such offenders to work, therefore, an emergency is declared to exist, and this act shall be in force from and after its passage.

APPROVED April 12th, 1879.

BRIDGES, ETC., OUTSIDE OF CITY LIMITS.

§ 1. Construction of ferries, etc.
§ 2. Control by city.
§ 3. Emergency.

AN ACT *to enable cities and villages to build, acquire and maintain bridges and ferries outside of their corporate limits and to control the same. Approved and in force May* 5, 1879.

SECTION 1. [MAY CONSTRUCT FERRIES AND BRIDGES.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be lawful for any city or village within this State to build or acquire by purchase, lease or gift, and to maintain, ferries and bridges, and the approaches thereto, not exceeding four acres of land for each ferry or bridge within the corporate limits, or at any point within five miles of the corporate limits of such city or village. That all such ferries and bridges shall be free to the public and that no toll shall ever be collected by any such city or village authority.

§ 2. [CONTROL BY CITY.] Every bridge and ferry so owned or controlled by such city or village, and the approaches thereto, when outside the corporate limits, shall be subject to the municipal control and ordinances of such city or village, the same to all intents and purposes, and in effect as though such bridge or ferry and the approaches thereto, were situated within the corporate limits of such city or village, and in such case, the county may assist in the construction of said bridge, as is now provided by law.

§ 3. [EMERGENCY.] WHEREAS, Certain cities in this State, have built bridges outside of their corporate limits, over which they have no police control; therefore an emergency exists, and this act shall be in force from and after its passage.

APPROVED May 5th, 1879.

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POLICE AND FIREMEN'S RELIEF FUND.

§ 1. How fund created.
§ 2. Mayor, etc., trustees of fund.
§ 3. Board to control fund.
§ 4. Treasurer to give bond for fund.
§ 5. Warrants drawn on treasurer.
§ 6 Permanent disability—Death—Annuity.
§ 7. Who entitled to benefits.
§ 8. How money paid out.
§ 9. Repeal.

AN ACT *to amend "An Act for the relief of disabled members of the police and fire departments in cities and villages," approved May* 24, 1877, *in force July* 1, 1877. *Approved May* 10, 1879. *In force July* 1, 1879.

SECTION 1. HOW FUND CREATED. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* "That an act for the relief of disabled members of the police and fire departments in the cities and villages," approved May 24, 1877, in force July 1, 1877, be amended to read as follows:

That one-fourth of all the rates, taxes and license fees which are or may be hereafter required by law to be paid by corporations, companies, or associations, not incorporated under the laws of this State, engaged in any village or city in this State, effecting fire insurance, and all moneys received from fines inflicted upon members of the police and fire departments for a violation of the rules and regulations of the service, and all fines recovered because of conviction for a violation of the fire ordinances, and all moneys accruing from the sale of unclaimed stolen property, shall be set apart by the treasurer of the city or village, to whom the same shall be paid, as a fund for the relief of disabled members of the police and fire departments of such city or village.

§ 2. [MAYOR, ETC., TRUSTEES OF FUND.] The mayor or president of the board of trustees, the superintendent or chief officer of the police department, the fire marshal or chief officer of the fire department, and the chairman of the committee on police and fire and water, of the city council or board of trustees of the city or village, with the comptroller (if there be one) or city clerk and treasurer, shall constitute and be a board by the name of the trustees of the police and firemen's relief fund, and the treasurer of the city or village, shall be custodian of the funds of said police and firemen's relief fund. The said board shall select from their number a president and secretary.

§ 3. BOARD TO CONTROL FUNDS. The said board shall have the exclusive control and management of the fund mentioned in the first section of this act, and of all money donated, paid, or assessed for the relief of disabled policemen or firemen, and shall have the power to assess each and every member of the police and fire departments of such city or village, including all such persons who having become entitled to the benefits of this fund while such members of said police and fire departments, have not forfeited their rights to share in such benefits after leaving such departments as hereinafter provided, not to exceed the sum of five dollars (5.00) per annum, which shall be received and held by the treasurer of said relief fund, in like manner

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as the other moneys herein provided, to be paid to him; and any person who having become entitled to the benefits of this fund, shall not within one month after notice in writing to him from said board of the assessment against him, pay the same, shall not be entitled to, or receive any benefits secured to him under the provisions of this act, unless he shall make written application to the trustees of the fund to become a member thereof, and shall have by a majority vote of said trustees been admitted to membership in said organization, and upon his making payment of all delinquent assessments due by him, accruing during his membership in such police or fire department. The said board may make all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief under this act, and its decisions on such applications shall be final and conclusive, and not subject to review or reversal except by the board: *Provided*, that nothing herein contained shall render the payment of any sum of money or annuity which may be awarded by the board, obligatory on the board, or chargeable against it as a legal right; but the board may, at any time in its discretion, order that such sums of money or annuity shall be reduced, or that payment of the same shall not be made. The board shall cause to be kept a record of all its meetings and proceedings.

§ 4. TREASURER TO KEEP FUND BOND. The treasurer of the board shall be the custodian of the fund in the first section of this act mentioned, and of all moneys donated, paid, or assessed towards or on account of the relief fund hereby created, and shall secure and safely keep the same, subject to the control and direction of the board, and shall keep his books and accounts in such a manner as may be prescribed by the board, and the same shall always be subject to the inspection of the board, or any member thereof. The treasurer shall, within ten days after his election or appointment, execute a bond to the city or village, as the case may be, with good and sufficient securities, in such penal sum as the board may direct, to be approved by the board, conditional for the faithful performance of the duties of his office, and that he will safely keep and well and truly account for all moneys and property which may come to his hands as such treasurer, and that on the expiration of his term of office, he will surrender and deliver over to his successor all unexpended moneys and all property which may have come to his hands as such treasurer. Such bond shall be filed in the office of the clerk of such city or village, and in case of a breach of the same, or the conditions thereof, suit may be brought on the same, in the name of such city or village, for the use of said board, or of any person or persons injured by such breach.

§ 5. WARRANTS DRAWN ON TREASURER. It shall be the duty of the mayor and clerk, or the comptroller if there be one, and the officer or officers of such city or village, who are or may be authorized by law to draw warrants upon the treasurer of such city or village, upon request made in writing by said board, to draw warrants upon the treasurer of such city or village, payable to the treasurer of said board, for the fund set apart by such city or village treasurer, as prescribed by the first (1st.) section hereof.

§ 6. PERMANENT DISABILITY,—DEATH—ANNUITY. When, in the judgment of the board, a sufficient amount shall have accumulated in

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said fund to justify the application thereof to the use for which the same is hereby created, if any member of the police or fire departments, while in the actual performance of duty or other person entitled to the benefits of this fund as hereinafter provided, shall become permanently disabled, so as to render proper his retirement from membership, a sum not exceeding six hundred dollars ($600) per annum, or such less sum as, in the judgment of the board, the fund will justify, shall be paid to such member out of said fund; or if any member, while in the actual discharge of duty shall be killed, or shall die from the immediate effects of an injury received by him while in such discharge of duty, or shall die after ten years service in the police or fire departments, and shall leave a widow, or if no widow, any child or children under the age of sixteen (16) years, a sum not exceeding six hundred (600) dollars per annum, or such less sum as, in the judgment of the board, the condition of the fund will justify, shall be paid to such widow so long as she shall remain unmarried, or to such child or children while under the age of sixteen years.

§ 7. [WHO MAY OBTAIN BENEFITS.] Any person who shall have served in either the police or fire departments of said city or village for the full term of ten (10) years, and shall have paid into the fund hereby provided for all assessments regularly made upon him by the board of trustees as required by this act, and the regulations of the said board of trustees passed in pursuance of this act, and shall have complied with all the rules and regulations lawfully established by the board of trustees in the same manner, as if such person was an active member in said police or fire department, may continue his membership in this organization, and be entitled to the benefits of this fund after he shall have ceased to be a member in either said police or fire department, by complying with all the provisions of this act, relative to the payment of assessments, &c., the same as prior to his ceasing to be a member of said departments, and the widow or children of such person shall be entitled to all benefits hereby secured to other members of this organization.

§ 8. HOW MONEY PAID OUT. All moneys ordered to be paid from said relief fund to any person or persons, shall be paid by the treasurer of said board only upon warrants signed by the president of the board and countersigned by the secretary, and no warrant shall be drawn except by order of the board, duly entered in the record of the proceedings of the board. In case the said relief fund, or any part thereof, shall by order of the said board or otherwise, be deposited in any bank, or loaned, all interest on money which may be paid or agreed to be paid, on account of any such loan or deposit, shall belong to and constitute a part of said fund. *Provided*, that nothing herein contained shall be construed as authorizing the said treasurer to loan the said fund, or any part thereof, unless so authorized by said board.

§ 9. [REPEAL.] All acts or parts of acts, or amendments thereto, heretofore enacted, and in any manner conflicting with the provisions of this act, are hereby expressly repealed.

APPROVED May 10th, 1879.

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TRAVEL ON BRIDGES IN CITIES, TOWNS, ETC.

§ 1. Penalty for fast driving, etc.

AN ACT *to regulate the manner of travel upon bridges, the whole or a part of which are owned or controlled by cities, villages and towns of this State, and to provide for the enforcing of the same. Approved and in force May* 13, 1879.

SECTION 1. [PENALTY FOR FAST DRIVING, ETC.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whoever shall ride or drive faster than a walk, over any bridge in this State, owned or controlled, either the whole or a part thereof, by any city, village or town of this State, shall, for each offense, be fined in a sum not exceeding ten dollars nor less than one dollar, *Provided,* that a notice shall be posted on such bridge, warning against riding, or driving, on such bridge faster than a walk, such fine to be recovered, with costs, before any justice of the peace or police magistrate of the county where the offense is committed, upon sworn complaint in writing, upon which a warrant for the arrest of the offender shall issue, and it shall be the duty of every constable of the county, and every marshal, policeman and police constable, and all other officers of such city, village or town, owning or controlling the whole or in part such bridge, having the power to make arrests, whenever aforesaid offense is committed in the view of such officer or officers, to forthwith take in custody the person or persons so committing aforesaid offense, and bring him or them before any justice of the peace or police magistrate of the county, to be dealt with according to law, and such officer so taking in custody such offender, or any officer of such city, village or town, owning or controlling the whole or a part of such bridge where such offense is committed, may make the complaint upon which warrant shall issue against the offender, all fines collected under this act, shall be paid into the common school fund of the county. WHEREAS, the law is inadequate for the protection of bridges which are owned or controlled, the whole or a part thereof, by cities, villages and towns of this State, therefore an emergency exists, and this act shall take effect from and after its passage.

APPROVED May 13th, 1879.

SEWERAGE.

§ 1. May contract for sewerage, etc. | § 2. How contract made.

AN ACT *to enable cities, towns and villages to contract with each other for sewerage. Approved May* 14, 1879. *In force July* 1, 1879.

SECTION 1. [MAY CONTRACT FOR SEWERAGE, ETC.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever any city, or incorporated town or village, shall be adjacent or contiguous to any other city or incorporated town or village, they shall be authorized to contract with each other upon such

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terms as may be agreed upon between them, to allow and permit the one the use and benefit of any sewer or drain, or of any system of sewerage or drainage heretofore constructed, or which may be hereafter constructed by the other, and further, that any such sewer or drain or system of sewerage or drainage constructed or which may hereafter be constructed by the one, may be extended or furnished to the inhabitants of the other, and they may by contract with each other provide for the joint construction of any sewer or drain by the municipalities so contracting, and for the common use thereof by the inhabitants of such municipalities.

§ 2. [How contract made.] The contract contemplated in section one of this act may be made by ordinance or resolution duly enacted or passed by the common council, board of trustees, or other proper legislative authority of the city, or incorporated town or village proposing such contract, and ratified or assented to by ordinance or resolution duly enacted or passed by the common council, board of trustees, or other proper legislative authority of the city or incorporated town or village confirming or agreeing to such contract, and every such contract when ratified or confirmed by the proper corporate authorities of the municipal corporations who are parties thereto, shall be in all respects valid and binding.

Approved May 14th, 1879.

MAYOR'S BILL.

§ 1. Repeal.

An Act *to repeal all except the enacting clause of section one* (1) *of an act entitled "An Act concerning the appointment and removal of city officers, in all cities in this State, conferring additional powers and duties upon mayors, and concerning appropriation bills or ordinances that may be passed in such cities," approved April 10th,* 1875. *Approved May 28th,* 1879. *In force July* 1, 1879.

Section 1. [Power of mayor and council—repeal.] *Be it enacted by the People of the State of Illinois represented in the General Assembly* That all except the enacting clause of section one (1) of an act entitled "An Act concerning the appointment and removal of city officers, in all cities in this State, conferring additional powers and duties upon mayors, and concerning appropriation bills or ordinances that may be passed in such cities," approved April 10, 1875, be and the same is hereby repealed.

Approved May 28th, 1879.

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DISCONNECTING TERRITORY FROM CITIES AND VILLAGES.

§ 1. Disconnecting territory.
§ 2. Ordinance recorded.
§ 3. Judicial notice.
§ 4. Repeal.
§ 5. Emergency.

AN ACT *in relation to the disconnection of Territory from Cities and Villages. Approved and in force May* 29, 1879.

SECTION 1. [DISCONNECTING TERRITORY.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever the owners representing a majority of the area of land of any territory within any city or village, and being upon the border and within the boundary thereof, and not laid out into city or village lots or blocks, shall petition the city council of such city, or the trustees of such village, praying the disconnection of such territory therefrom; such petition shall be filed with the city clerk of such city, or the president of the trustees of such village, accompanied with a certificate of the county clerk, showing that all city taxes or assessments due up to the time of presenting such petition are fully paid, at least ten days before the meeting of such city council, or trustees, at which it is proposed to present such petition, and the city clerk of such city, or president of the trustees of such village, shall present such petition to the city council or trustees, as the case may be, and upon such presentation, the city council of such city or trustees of such village may, by ordinance, to be passed by a majority of the members elected to such city council or board of village trustees, disconnect the territory described in such petition from such city or village, *Provided, however*, that the territory so disconnected, shall not there-by be exempted from taxation, for the purpose of paying any indebtedness contracted by the corporate authorities of such city or village, while such territory was within the limits thereof, and remaining unpaid, but the same shall be assessed and taxed for the purpose of paying such indebtedness, the same as if such territory had not been disconnected, until such indebtedness is fully paid.

§ 2. [ORDINANCE RECORDED.] A copy of the ordinance disconnecting territory from any city or village, certified by the clerk of such city, or president of the trustees of such village, shall be filed for record and recorded in the recorder's office of the county in which such disconnected territory is situated, and another copy of such ordinance, so certified, shall be filed with the clerk of the county court of the county in which such disconnected territory is situated.

§ 3. [JUDICIAL NOTICE.] All courts in this State shall take judicial notice of cities and villages, and of the changes made in their territory, under this act.

§ 4. [REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

§ 5. [EMERGENCY.] WHEREAS, there is no valid law in force in this State enabling cities and villages to decrease their corporate limits, and special legislation therefor by the General Assembly is forbidden

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by the Constitution of this State, therefore an emergency exists why this act should take effect immediately; therefore this act shall take effect and be in force from and after its passage.

APPROVED May 29th, 1879.

ISSUING WARRANTS.

§ 1. When warrants may be drawn.
§ 2. Issued in anticipation of taxes.
§ 3. Jurors' certificates.

AN ACT *to provide for the manner of issuing warrants upon the treasurer of any county township, city, school district or other municipal corporation, and jurors certificates. Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. [WHEN WARRANTS MAY BE DRAWN.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That warrants payable on demand, shall hereafter be drawn and issued upon the treasurer of this state or of any county, township, city, school district or other municipal corporation, or against any fund in his hands, only when at the time of the drawing and issuing of such warrants, there shall be sufficient money in the appropriate fund in the treasury to pay said warrants.

§ 2. [ISSUED IN ANTICIPATION OF TAXES.] That whenever there is no money in the treasury of any county, township, city, school district or other municipal corporation to meet and defray the ordinary and necessary expenses thereof, it shall be lawful for the proper authorities of any county, township, city, school district or other municipal corporation, to provide that warrants may be drawn and issued, against and in anticipation of the collection of any taxes, already levied by said authorities for the payment of the ordinary and necessary expenses of any such municipal corporation, to the extent of seventy-five per centum of the total amount of any said tax levy: *Provided,* that warrants drawn and issued under the provisions of this section, shall show upon their face that they are payable solely from said taxes when collected, and not other-wise, and shall be received by any collector of taxes in pay-ment of the taxes against which they are issued, and which taxes, against which said warrants are drawn, shall be set apart and held for their payment.

§ 3. JURORS CERTIFICATES.] All jurors certificates shall hereafter be issued in conformity with the provisions of this act.

APPROVED May 31st, 1879.

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LABOR ON STREETS.

§ 1. Labor on streets, etc. | § 2. Fines and penalties.

AN ACT *providing for labor on the streets and alleys of all cities and villages in this State. Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. [LABOR ON STREETS, ETC.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the city council in all cities and the president and board of trustees in all villages in this State, may have power, by ordinance, to require every able-bodied male inhabitant of any such city or village, above the age of twenty-one years, and under the age of fifty years (excepting paupers, idiots, lunatics, and such others as are exempt by law), to labor on the streets and alleys of any such city or village, not more than two (2) days in each year; but such ordinance shall provide for commutation of such labor at seventy-five cents per day.

§ 2. [FINES AND PENALTIES.] Any such city council or president and board of trustees or any such village shall have power, by ordinance, to provide such fines and penalties as may be necessary to enforce the provisions of this act.

APPROVED May 31st, 1879.

RE-ORGANIZATION OF CITIES.

§ 1. Repeal.

AN ACT *to repeal an act, entitled "An act to provide for the re-organization of Cities" approved April* 8, 1875. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. [REPEAL.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That an act entitled "An act to provide for the re-organization of cities" approved April 8, 1875, be, and the same is hereby repealed.

APPROVED May 31st, 1879.

SUITS—HOW BROUGHT.

§ 1. Suits—how brought, etc.

AN ACT *entitled "An act in regard to suits by incorporated cities and villages, and to enforce penalties and recover fines for violating the ordinances thereof." Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. [SUITS—HOW BROUGHT, ETC.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,*

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That all actions to recover any fine, or to enforce any penalty, under any ordinance of any city or village in this State, shall be brought in the corporate name of the city or village, as plaintiff, and no prosecution, recovery or acquittal for the violation of any such ordinance shall constitute a defense to any other prosecution of the same party, for any other violation of any such ordinance, although the different causes of action existed at the same time, and, if united, would not have exceeded the jurisdiction of the court or magistrate.

APPROVED May 31st, 1879.

CLERKS OF COURTS.

§ 1. Election and term of office.

AN ACT *to amend section one* (1) *of an act entitled "An act to revise the law in relation to clerks of courts," approved March* 25, 1874. *Approved May* 21st, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section one (1) of an act entitled "An act to revise the law in relation to Clerks of Courts," approved March 25, 1874, be amended to read as follows:

§ 1. [ELECTION AND TERM OF OFFICE.] That a Clerk of the Supreme Court in each Grand Division, one Clerk of the Circuit Court of each county, one Clerk of the Superior Court of Cook county, and one Clerk of the Criminal Court of Cook county, shall be elected as provided by law, and shall severally hold their offices until their successors are elected and qualified."

APPROVED May 21st, 1879.

CONVEYANCES.

DEEDS BY ADMINISTRATORS WITH WILL ANNEXED.

§ 1. Deed of Administrator. | § 2. Emergency.

AN ACT *to amend section thirty-four* (34) *of the act entitled "An Act concerning conveyances, approved March* 29, 1872. *Approved and in force May* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section thirty-four (34) of

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the act entitled "An Act concerning conveyances," approved March 29, 1872, be amended so as to hereafter read as follows:

§ 34. [DEEDS BY ADMINISTRATORS WITH WILL ANNEXED.] Where, in pursuance of due power vested by will executed and proved out of this State, deeds conveying lands in this State, heretofore have been or hereafter shall be executed by executors or administrators with the will annexed, duly appointed and qualified in any State of the United States, the same shall be evidence of title in the vendee or grantee, to the same extent as was vested in the testator at the time of his death, whether such will has been proved in this State or not, unless at the time of executing such deed, letters testamentary or of administration upon the estate of the deceased shall have been granted in this State and remain unrevoked.

§ 2. [EMERGENCY.] WHEREAS, An emergency exists by reason of great inconvenience which may be sustained by delay of the force of this act, therefore this act shall take effect and be in force, from and after its passage.

APPROVED May 1st, 1879.

U. S. PATENT—LOSS—RECORD OR COPY.

§ 1. United States patent—record as evidence.

AN ACT *to amend an act entitled "An Act concerning Conveyances," approved March* 29, 1872. *Approved May* 29, 1879. *In force July* 1, 1879.

SECTION 1. [UNITED STATES PATENT—PROOF OF LOSS—RECORD OR COPY EVIDENCE.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* Whenever upon the trial of any cause in law or equity, in this State, any party to said cause, or his agent or attorney in his behalf, shall by affidavit to be filed in said cause, testify and state under oath that the required United States patent conveying or concerning the title to the lands, tenements and hereditaments in question in such suit is lost, or not in the power of the party wishing to use it on such trial of any such cause, and that to the best of his knowledge said patent was not intentionally destroyed, or lost, or in any manner disposed of for the purpose of introducing a copy thereof in place of the original, and if the original patent has been recorded in the recorder's office of the county wherein such lands are situated, then the record thereof, or a copy duly certified by the recorder in whose office the same may have been or may hereafter be recorded, may be read in evidence in any court in this State with like effect as though the original patent was produced and read in evidence.

APPROVED May 29th 1879.

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CORONERS.

§ 10. To take charge of body—jury.

AN ACT *to amend section* 10 *of an act entitled "An act to revise the law in relation to Coroners" approved February* 6, 1874 *in force July* 1, 1874. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section 10 of an act entitled "An act to revise the law in relation to Coroners," approved February 6, 1874, and in force July 1, 1874, be amended so as to read as follows:

§ 10. [TO TAKE CHARGE OF BODY—JURY.] Every coroner, whenever, and as soon as he knows, or is informed that the dead body of any person is found, or lying within his county, supposed to have come to his or her death by violence, casualty or any undue means, he shall repair to the place where the dead body is and take charge of the same, and forthwith summon a jury of six good and lawful men of the neighborhood where the body is found or lying to assemble at the place where the body is, at such time as he shall direct, and upon a view of the body, to inquire into the cause and manner of the death.

APPROVED May 31st, 1879.

CORPORATIONS.

FOR PECUNIARY PROFIT.

§ 1. For what purposes formed.

AN ACT *to amend section one of an act entitled "An Act concerning corporations," approved April* 18, 1872, *in force July* 1, 1872. *Approved April* 19, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly* That section one of an act entitled "An Act concerning corporations" approved April 18, 1872, in force July 1, 1872 be and the same is hereby amended so as to read as follows:

§ 1. [FOR ALL LAWFUL PURPOSES, EXCEPT, ETC.] That corporations may be formed in the manner provided by this act for any lawful purpose except banking, insurance, real estate brokerage, the operation of railroads and the business of loaning money, *Provided*, that horse and Dummy railroads, and organizations for the purchase and sale of real estate for burial purposes only, may be organized and conducted

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under the provisions of this act: *And provided further*, That corporations formed for the purpose of constructing railroad bridges shall not be held to be railroad corporations.

APPROVED April 19th, 1879.

NOT FOR PECUNIARY PROFIT.

§ 1. Total abstinence societies. | § 2. Emergency.

AN ACT *to afford relief to total abstinence societies in this State. Approved and in force May* 20, 1879.

SECTION 1. [ELECTION OF MEMBERS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That any total abstinence society in this State, organized under any law of this State, may, at any regular or called meeting of their society, elect any person as a member of such society; without regard to age of the applicant for admission to membership, by having at least three-fourths majority of the members present at such meeting, voting in the affirmative for the election of such person.

§ 2. [EMERGENCY.] WHEREAS, There are several societies in this State who will be benefited by such a change, and are desirous of increasing their membership, wherefore an emergency exists, therefore this act shall take effect and be in force from and after its passage.

APPROVED May 20th, 1879.

HOMESTEAD—LOAN ASSOCIATIONS.

§ 1. License—how obtained.
§ 2. Meeting to organize.
§ 3. Organization completed.
§ 4. Corporate rights, etc.
§ 5. Powers—board of directors.
§ 6. Stock—withdrawal, etc.
§ 7. Who may become subscribers.
§ 8. Meetings of directors—loan of money.
§ 9. Failure to give security for loan.
§ 10. Payment of loan—premium refunded.
§ 11. Premiums, fines, etc., not usurious.
§ 12. Corporate existence not to cease, etc.
§ 13. May purchase, etc., real estate.
§ 14. Existence may be extended.

AN ACT *to enable associations of persons to become a body corporate to raise funds to be loaned only among the members of such association. In force July* 1, 1879.

SECTION 1. [LICENSE—HOW OBTAINED.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That whenever any number of persons not less than five, may desire to become incorporated as a mutual building, loan and homestead association, for the purpose of building and improving homesteads and loaning money to the members thereof only they shall make a statement to that effect, under their hands

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and seals, duly acknowledged before some officer in the manner provided for the acknowledgment of deeds, such statement shall set forth the name of the proposed corporation, its capital stock, its location and the duration of the corporation; which statement shall be filed in the office of the Secretary of State. The Secretary of State shall thereupon issue to such persons a license as Commissioners, to open books for subscription to the capital stock of said corporation, at such time and place as they may determine; but no license shall be issued to two associations having the same name.

§ 2. [MEETING TO ORGANIZE.] As soon as one hundred shares or more of the capital stock shall be subscribed, the Commissioners shall convene a meeting of the subscribers, for the purpose of electing Directors, adopting a charter and by-laws and the transaction of such other business as shall come before them. Notice thereof shall be given by depositing in the post-office properly addressed to each subscriber, at least ten days before the time fixed a written or printed notice, stating the object, time and place of such meeting. Directors of such corporations organized under this act shall be elected, classified and hold their office for such period of time as is provided by general law governing the election and classification of Directors, Trustees or Managers of corporations.

§ 3. [ORGANIZATION COMPLETED.] The Commissioners shall make a full report of their proceedings, including therein a copy of the notice provided for in the foregoing section, a copy of the subscription list, a copy of the charter and by-laws adopted by the association and the names of the Directors elected and their respective terms of office, which report shall be sworn to by at least a majority of the Commissioners, and shall be filed in the office of the Secretary of State. The Secretary of State shall thereupon issue a certificate of the complete organization of the corporation, making a part thereof a copy of all papers filed in his office in and about the organization of the corporation and duly authenticated under his hand and seal of State; and the same shall be recorded in the office of the Recorder of Deeds in the county in which the principal office of such company is located. Upon the recording of said copy the corporation shall be deemed fully organized and may proceed to business, unless such company shall be organized and shall proceed to business as provided in this act within two years after the date of such license, the license shall be deemed revoked and all proceedings thereunder void.

§ 4. [CORPORATE RIGHTS, ETC.] Corporations formed under this act shall be bodies corporate and politic for the period for which they are organized; may sue and be sued; may have a common seal which they may alter or renew at pleasure.

§ 5. [POWERS—BOARD OF DIRECTORS] The corporate powers shall be exercised by a Board of Directors: *Provided*, The number of Directors shall not be increased or diminished, nor their term of office changed, without the consent of the owners of two-thirds of the shares of stock. The officers of the company shall consist of a President, Vice-President, Secretary and Treasurer, to be elected at the annual meeting of the Board of Directors, as may be provided

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for in the Charter and by-laws of the Association: *Provided*, That the Secretary only shall be entitled to compensation, and in such amount as may be provided for in the Charter of such Association: and *Provided*, that the treasurer shall give bond and security to be approved by the board of directors.

§ 6. [STOCK—WITHDRAWAL, ETC.] The shares of stock shall be one hundred ($100) dollars each, and shall be deemed personal property transferable upon the books of the company, in such manner as may be provided by the by-laws, and subscriptions therefor shall be made payable to the corporation, and shall be payable in such periodical installments and at such time or times as shall be determined by the Charter and by-laws; but no periodical payment to be made exceeding two dollars ($2.00) on each share; and every share of stock shall be subject to a lien for the payment of unpaid installments, and other charges incurred thereon under the provisions of the Charter and by-laws, and the by-laws, may prescribe the form and manner of enforcing such lien. New shares of stock may be issued in lieu of shares withdrawn or forfeited, and the stock may be issued in one or in successive series, as may be prescribed in the Charter and by-laws, and in such amount (not to exceed the total capital stock) as the Board of Directors may determine, and any stockholder wishing to withdraw from the said corporation shall have power to do so, by giving thirty days notice of his or her intention to withdraw, when he or she shall be entitled to receive the amount paid in by him or her, and such interest thereon or such proportion of the profits thereon as the by-laws may determine, less all fines and other charges: *Provided*, That at no time shall more than one-half of the funds of the treasury of the corporation be applicable to the demands of withdrawing stockholders without the consent of the Board of Directors, and that no stockholder shall be entitled to withdraw whose stock is held in pledge for security. Upon the death of a stock holder his or her legal representatives shall be entitled to receive the full amount paid in by him or her on all shares not borrowed upon or pledged to the association as collateral security, and legal interest thereon, first deducting all charges that may be due on the stock; but no fines shall be charged to a deceased members account from and after his or her decease, unless the legal representatives of such decedent assumes the future payment of the dues on the stock.

§ 7. [WHO MAY BECOME SUBSCRIBERS.] Married women may become subscribers to the capital stock of such association, and hold, control and transfer their stock in all respects as *femmes sole*, and their stock shall not be subject to the control of, or liable for the debts of their husbands. Minors may become subscribers to and owners of the stock of such associations by guardian or trustee, and such guardian or trustee may withdraw the stock of such minor as provided in section six of this act: *Provided, however*, that such guardian or trustee shall give bonds to the Probate Court in double the amount of the withdrawal value of such stock, for the use of such minor on his or her becoming of age; but it is hereby provided, that no person as owner or legal representative of the stock

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of such association shall by himself or by proxy, vote at any election, when the stockholders are called upon to vote, on more than forty shares of stock.

§ 8. [MEETING OF DIRECTORS—LOAN OF MONEY.] The Board of Directors shall hold such stated meetings, not less frequently than once each month, as may be provided by the by-laws, at which the money in the treasury, if one hundred dollars or more, shall be offered for loan in open meeting; and the stockholder who shall bid the highest premium for the preference or priority of loan, shall be entitled to receive a loan of one hundred dollars, less the premium bid, for each share of stock held by said stockholder: *Provided*, that no loan shall be made by said corporation except to its own members, nor in any sum in excess of the amount of stock held by such members borrowing: *And provided*, that such stockholder may borrow such fractional part of one hundred dollars as the by-laws may provide. Good and ample real estate security unincumbered except by prior loans of such association shall be given by the borrower, to secure the repayment of the loan: *Provided, however*, that the stock of such association may be received as security, to the amount of the withdrawal value of such stock.

§ 9. [FAILURE TO GIVE SECURITY FOR LOAN.] In case the borrower shall neglect to offer security, or shall offer security that is not approved by the Board of Directors by such time as the by-laws may prescribe, he or she shall be charged with one months interest, together with any expenses incurred, and the money may be re-sold at the next stated meeting. In case of non-payment of installments or interest and fines by borrowing stockholders for the space of six months, payment of principal and interest and fines, without deducting the premium paid or the interest thereon, may be enforced by proceedings against their securities according to law, upon the order of the Board of Directors.

§ 10. [PAYMENT OF LOAN—PREMIUM REFUNDED.] A borrower may repay a loan at any time, and in the event of the repayment thereof before the expiration of the eighth year after the organization of the association, or the date of issue of the series of stock in such association on which the loan may have been made, there shall be refunded to such borrower one-eighth of the premium paid for every year of the said eight years then unexpired.

§ 11. [PREMIUMS, FINES, ETC, NOT USURIOUS.] Corporations organized under this act being of the nature of co-operative associations, therefore no premiums fines nor interest on such premiums that may accrue to the said corporation according to the provisions of this act, shall be deemed usurious and the same may be collected as other debts of like amount may be collected by law in this State.

§ 12. [CORPORATE EXISTENCE NOT TO CEASE ON FAILURE TO ELECT, ETC.] No corporation or association created under this act shall cease or expire from neglect on the part of the corporation to elect officers at the time mentioned in their charter and by-laws, and all officers elected by such corporation shall hold their offices until their successors are duly elected.

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§ 13. [MAY PURCHASE, ETC., REAL ESTATE—WHEN.] Any loan or building association incorporated by or under this act is hereby authorized and empowered to purchase at any sheriffs or other judicial sale, or at any other sale, public or private, any real estate upon which such association may have or hold any mortgage, lien or other incumbrance, or in which said association may have an interest, and the real estate so purchased to sell, convey, lease or mortgage at pleasure to any person or persons whatsoever.

§ 14. [EXISTENCE MAY BE EXTENDED.] Any loan or building association incorporated under this act or any prior act, may extend the duration of time for which such association was organized by a vote of two-thirds of the capital stock of such association at any annual meeting of the stockholders of such association, thereupon the Board of Directors shall transmit a copy of the proceedings of such annual meeting, duly attested to the Secretary of State who shall issue his certificate as provided in section three of this act, certifying to the extension of time of duration of such association, and the same shall be recorded as provided in said section three of this act. And any association incorporated under any prior act, and extending the duration of the time for which it was incorporated, in the manner herein provided, shall be deemed as incorporated under, and be vested with all of the powers given in this act, the same as if such association had been originally incorporated under it.

In force July 1, 1879.

UNITED STATES OF AMERICA, } ss.
State of Illinois. }

OFFICE OF SECRETARY.

I, George H. Harlow, Secretary of the State of Illinois, do hereby certify that the Governor having failed to return this bill to the General Assembly during its session, and having failed to file it in my office with his objections, within ten days after the adjournment of the General Assembly, it has thereby become a law, in force on and after July 1, 1879.

In witness whereof, I hereto set my hand and affix the Great Seal of State, at the city of Springfield, this tenth day of June, A D. 1879.

GEORGE H. HARLOW,
Secretary of State.

[Seal]

COUNTIES.

§ 10. Issuing county bonds.

AN ACT *to amend section* 40 *of an act entitled "An Act to revise the law in relation to counties," approved and in force March* 31, 1874. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section forty of an act entitled "An Act to revise the law in relation to counties," approved and in force March 31, 1874, be amended so as to read as follows:

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§ 40. [ISSUING COUNTY BONDS.] When the county board of any county shall deem it necessary to issue county bonds to enable them to perform any of the duties imposed upon them by law, they may, by an order, entered of record, specifying the amount of bonds required, and the object for which they are to be issued, submit to the legal voters of their county, at any general election, the question of issuing such county bonds. The amount of the bonds so issued shall not exceed, including the then existing indebtedness of the county, five per centum on the value of such taxable property of such county, as ascertained by the assessment for the State and county tax for the preceding year. Said vote shall be by ballot, on which shall be written or printed "For county bonds," or "Against county bonds," and if a majority of the votes at such election on that question shall be "For county bonds," such county board shall be authorized to issue such bonds of not less than twenty-five dollars ($25), nor more than one thousand dollars ($1,000) each, payable respectively, in not less than one, nor more than twenty years, with interest payable annually or semi-annually, at the rate of not more than eight per cent. per annum

APPROVED May 31st, 1879.

COMMISSIONERS—POWERS AND DUTIES.

§ 60. Commissioners—Term of office. | § 61. Powers and duties—meetings.

AN ACT *to amend sections sixty* (60) *and sixty-one* (61) *of an act entitled "An Act to revise the law in relation to counties," approved and in force March* 31, 1874. *Approved May* 20, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section sixty (60) and sixty-one (61) of an act entitled "An Act to revise the law in relation to Counties, approved and in force March 31, 1874," be and the same hereby is, amended so that it shall read as follows:

§ 60. [TERM OF OFFICE OF COMMISSIONERS.] Their terms of office shall begin on the first Monday of December after their election, and they shall hold their office, respectively until their successors are elected and qualified. Each of said commissioners shall have been a resident of the district from which he is elected for one year prior to his election. The provisions of the general election law entitled "An Act for the registry of electors and to prevent fraudulent voting" shall be applied to all elections for commissioners under this act.

§ 61. [POWERS AND DUTIES.] The said commissioners shall, severally, before they enter upon the discharge of their duties take the oath of office prescribed by the constitution; they shall be known as the board of commissioners of Cook county, and as such board of Commissioners shall have the management of the county affairs of

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said county, and shall exercise the same powers, perform the same duties, be subject to the same rules, regulations and penalties as prescribed by law for the board of supervisors, and shall be subject also to the rules, regulations and penalties hereinafter provided. The said board of commissioners shall have no power or authority to delegate to any committee, or other person or persons, the "power to act" when such "power to act" shall involve the letting of any contract or the expenditure of public money, exceeding the sum of five hundred dollars ($500), and any action of said Board, or of any committee thereof, or of any other person or persons, in violation of this section shall be null and void. No money shall be appropriated or paid by said county commissioners beyond the sum of five hundred dollars ($500) unless such appropriation shall have been authorized by a vote of at least two-thirds of the members elected to the said county board. The said board of county commissioners shall have regular meetings on the first Mondays of December, March, June and September of each year.

APPROVED May 20th, 1879.

UNITING COUNTIES.

§ 64. Uniting counties—petition—notice of election.
§ 65. Designation.
§ 66. Form of ballot.
§ 67. Effect of vote.
§ 68. Canvassing votes.
§ 69. Returns—proclamation by governor.
§ 70. Officers to hold until expiration of term.
§ 71. Process, etc.
§ 72. County judge—disposition of causes.
§ 73. Sheriff of petitioning county.
§ 74. Coroner.
§ 75. County treasurer.
§ 76. State's attorney.
§ 77. Superintendent of schools.
§ 78. County board.
§ 79. Justices of the peace and constables.
§ 80. Death of officer of petitioning county.
§ 81. Town officers where counties under township organization.
§ 82. Legislative and judicial apportionment to remain.
§ 83. Transfer of causes.
§ 84. Debts, taxes, issuing bonds.

AN ACT *to amend an act entitled "An act to revise the law in relation to counties," approved March* 31, 1874. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That additional sections shall be added to the above entitled act, to read as follows, to-wit:

§ 64. [UNITING COUNTIES—PETITION—NOTICE OF ELECTION.] Whenever any number of legal voters, not less than two hundred, one-half of such number being freeholders, residing in any county in this State, shall petition the county board of their own county, for leave to have their own county united and annexed to any adjoining county, and shall also petition the county board of the adjoining county, to which they desire their county to be united and annexed for leave to have their own county united and annexed to such adjoining county, it shall be the duty of the several county boards so petitioned, to order that the propositions provided for in this act shall be submitted to the legal voters of their respective counties, at the next regular elec-

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tion for county or State officers, after receiving such petition, and returns of the votes cast therein, shall be made to the Secretary of State, as for county officers. The notices of said election shall contain the name of each of the two counties, and shall state that the proposition to be voted upon will be whether the county of (naming the county whose legal voters have petitioned for union and annexation) shall be united and annexed to the county of (naming the adjoining county to which the legal voters have petitioned to be united and annexed). *Provided*, That such proposition shall not be submitted or voted upon oftener than once in five years.

§ 65. [DESIGNATION, ETC.] In this act and all proceedings thereunder, the county whose legal voters shall petition the several county boards as aforesaid, shall be called the "petitioning county," and the county to which said legal voters shall petition to be united and annexed shall be called the "adjoining county."

§ 66. [FORM OF BALLOT.] The ballots to be used at such election, shall be substantially in the following form, to-wit: For uniting and annexing the county of (naming the petitioning county) to the county of (naming the adjoining county). Against uniting and annexing the county of (naming the petitioning county) to the county of (naming the adjoining county).

§ 67. [EFFECT OF VOTE.] If a majority of the votes polled in each of such counties at such election shall be in favor of said proposition, all that territory included within the established boundaries of the petitioning county, shall be united and annexed to the adjoining county, and such petitioning county, shall cease to have any separate existence as a county, but shall be merged into and form an integral part of such adjoining county, in fact and in name, at the time and in the manner hereinafter provided.

§ 68. [CANVASSING VOTES.] The votes polled at such election shall be canvassed in the manner provided by law for canvassing votes polled for county officers, except that the county clerk of each of said counties, if requested, shall permit two of the legal voters, who petitioned as aforesaid, to be present when the canvass of said vote shall be had.

§ 69. [RETURNS—PROCLAMATION BY GOVERNOR.] Within ten days after such election, the county clerk of each of such counties shall send a correct and duly certified abstract of the votes polled at such election to the Secretary of State; and if a majority of votes polled at such election in each of said counties is found to be in favor of uniting and annexing the petitioning county to the adjoining county, the Secretary of State shall forthwith so notify the Governor of the State, and the Governor shall thereupon, forthwith and without delay, issue his proclamation announcing and declaring the result of such election; and on and after the date of such proclamation the petitioning county shall cease to exist as a county, and all that territory embraced in the limits of such petitioning county shall be united and annexed to, and shall form an integral part of such adjoining county.

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§ 70. [OFFICERS TO HOLD UNTIL EXPIRATION OF TERM.] All the county officers of the petitioning county shall continue to hold their respective offices until their respective terms of office shall expire, and shall perform the duties of their respective offices arising in the territory which, before the Governor's proclamation aforesaid, had constituted the petitioning county, and shall receive the fees and compensation thereof, in the manner hereinafter provided. They shall keep their offices at the county seat of the adjoining county, in the court house of said county, in such rooms as may be selected by the county board of the adjoining county; and within ten days after the date of the proclamation as aforesaid, by the Governor, they shall remove all the files and records, books, papers, and furniture of their respective offices to the court house of the adjoining county, which shall thereafter be held and taken to be the files, records, books, papers and furniture of the adjoining county as it shall be constituted after the date of the proclamation aforesaid.

§ 71. [PROCESS, ETC.] All process of every kind against any person or property within the territory, which had constituted the petitioning county before the proclamation aforesaid, during the continuance of the term of office of the clerk of the circuit court and the county clerk of the petitioning county, and after the union and annexation aforesaid, may be issued by the clerk of circuit court or the county clerk of the petitioning county, and they shall respectively, collect and account to the county board of the adjoining county for the proper fees for issuing the same, but all such process shall be signed by the proper clerk and have the proper seal of the proper court of the adjoining county attached. The sheriff of the petitioning county may serve all such process, referred to in this section; and shall collect and account to the county board of the adjoining county for the proper fees for serving the same. The county clerk and the clerk of the circuit court of the petitioning county shall each receive the same compensation he was receiving by law at the date of the aforesaid proclamation, which compensation shall be paid by the county board of the adjoining county out of taxes collected from property in the territory that had constituted the petitioning county before the aforesaid proclamation.

§ 72. [COUNTY JUDGES—DISPOSITION OF CAUSES.] The county judge of the petitioning county, during the continuance of his term of office, and after the union and annexation as aforesaid, shall receive the same annual compensation that he was receiving at the date of the Governor's proclamation aforesaid, which compensation shall be paid by order of the county board of the adjoining county out of taxes collected from property in the territory that had constituted the petitioning county before the aforesaid proclamation. All cases, civil and criminal, and all matters of probate that are on the docket of the county judge of the petitioning county at the date of the Governor's proclamation aforesaid, shall be transferred by the county clerk of the adjoining county to the docket of the county judge of the adjoining county; and all cases and matters of probate so transferred may be tried before the county judge of the petitioning county under such arrangement as may be made by and between him and the county judge of the adjoining

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county. All criminal cases so transferred shall be tried by a jury drawn in the manner provided by law from the qualified jurors residing within the limits of the territory that had constituted the petitioning county before the proclamation aforesaid, unless the defendant in any such criminal case shall consent in open court to be tried by a jury of the adjoining county. The county judge of the petitioning county shall forfeit all right to any compensation if he is not ready and willing to perform the duties he may perform under this act.

§ 73. [SHERIFF OF PETITIONING COUNTY.] The sheriff of the petitioning county shall continue after the date of the Governor's proclamation aforesaid, to perform the duties of sheriff in the territory that had constituted the petitioning county before the aforesaid proclamation, until his term of office shall expire, at which time he shall deliver to the sheriff of the adjoining county, without demand therefor, all books, papers, and furniture pertaining to or connected with his office, and also all moneys and writs held by him as sheriff, and all property attached or levied on by him as sheriff. He shall have a right to collect all taxes collectable by him during his term of office from all property in the territory that had constituted the petitioning county before the aforesaid proclamation. He shall receive the same compensation he would have received as sheriff and ex-officio collector of the petitioning county, as if the same had not been united and annexed to the adjoining county as aforesaid; but after the date of the Governors proclamation aforesaid all his acts shall be performed in the name of the sheriff of the adjoining county. After the date of the Governor's proclamation aforesaid, the sheriff of the petitioning county shall become the deputy of the sheriff of the adjoining county, and the sheriff of the petitioning county may perform all the duties of sheriff, to be performed during his term of office in the territory that had constituted the petitioning county before the proclamation aforesaid without control of the sheriff of the adjoining county, and shall be liable upon his bond as sheriff, and upon his bond as collector, for any breach of the conditions thereof, in the same manner and to the same extent as if the petitioning county had continued to exist as a county. The compensation payable to the sheriff of the petitioning county, shall be paid by order of the county board of the adjoining county, out of taxes upon property in the territory that had constituted the petitioning county before the Governor's proclamation aforesaid, and he shall account to the county board of the adjoining county for all fees collected by him: *Provided*, that the sheriff of the petitioning county shall forfeit all right to any compensation, if he is not ready and willing to perform the duties he may perform under this act.

§ 74. [CORONER.] The coroner of the petitioning county shall perform all the duties required of him by law within the territory that had constituted the petitioning county before the proclamation aforesaid, until his term of office shall expire, and shall receive the compensation to which he may be entitled by law, and whatever fees or compensation may be payable by law out of the county treasury, shall be certified and paid by the county board of the adjoining county to such coroner, out of taxes collected from property in the territory that had constituted the petitioning county.

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§ 75. [COUNTY TREASURER.] The county treasurer of the petitioning county shall perform all the duties required of him by law, in the territory that had constituted the petitioning county, during his term of office. He shall assess the taxable property in the territory aforesaid, and shall return his assessment books to the county clerk of the adjoining county, and make all his reports to the county board of the adjoining county; but he shall be liable upon his bond for any breach or breaches of the conditions thereof, in the same manner and to the same extent as if the petitioning county had not been united and annexed to the adjoining county. The compensation to which he may be entitled by law, shall be paid by the county board of the adjoining county out of taxes collected from property in the territory that had constituted the petitioning county, before the proclamation aforesaid. So much of this section as refers to assessing by the treasurer, shall only be applicable where the petitioning county was not under township organization at the date of the election aforesaid.

§ 76. [STATE'S ATTORNEY.] The States Attorney for the petitioning county shall, during his term of office, receive the same compensation he was receiving at the date of the proclamation of the Governor, as aforesaid. He shall commence and prosecute all actions, suits, indictments and informations of all kinds, arising in the territory which had constituted the petitioning county before said proclamation, in which the people of the State may be interested, and he shall be assistant county attorney for the adjoining county during his said term of office.

§ 77. [SUPERINTENDENT OF SCHOOLS.] The county superintendent of schools of the petitioning county shall continue to act as such in the territory that constituted the petitioning county before said proclamation, until his term of office shall expire, at which time he shall deliver to the county superintendent of schools of the adjoining county, without any demand therefor, all moneys, books, papers and personal property, belonging to the office of the county superintendent of the petitioning county, whenever the term of office of the county superintendent of the petitioning county shall have expired, by death, resignation, or lapse of time, all notes and mortgages, and other contracts, payable to, or made in the name of the county superintendent of the petitioning county may be collected, and in any manner enforced, by suit, or otherwise, by and in the name of the county superintendent of the adjoining county. The county superintendent of the petitioning county shall be subject to the direction and control of the county board of the adjoining county, in the same manner and to the same extent that he would have been subject to the county board of the petitioning county, if the same had continued to have a separate existence as a county.

§ 78. [COUNTY BOARD.] The members of the county board of the petitioning county and the county board of the adjoining county, after the date of the Governor's proclamation aforesaid, shall sit together at all regular and called meetings, as the county board of the adjoining county as it will be constituted after the proclamation aforesaid. Whenever the term of office of any one of the members of the county

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board of the petitioning county shall expire, by his death or resignation, or refusal to act, or by lapse of time, the expiration of said term, and the manner thereof shall be entered upon the records of the said county board of the adjoining county, and no successor to him shall be elected, and whenever the term of office of any member of the county board of the adjoining county, elected before the date of the Governor's proclamation aforesaid, shall expire in any of the modes hereinbefore mentioned after the date of said proclamation, a successor to him shall be elected in the adjoining county at large as it shall be constituted after the date of the proclamation aforesaid, including the territory that had constituted the petitioning county before said proclamation.

§ 79. [JUSTICES OF THE PEACE AND CONSTABLES.] All justices of the peace and constables, duly elected, qualified, and acting within the territory which had constituted the petitioning county before the date of said proclamation of the Governor, shall become, on and after the date of said proclamation, justices of the peace and constables of the adjoining county; and all their official acts shall be performed by them as justices of the peace and constables of the adjoining county, and they shall be liable in all respects for non-performance of any duties required by law of them or any of them, as justices of the peace, or constables of the adjoining county. After the date of the Governor's proclamation aforesaid, they shall make all applications, returns, and reports, which might have been by law made to the county clerk of the petitioning county before the date of the proclamation aforesaid, to the county clerk of the adjoining county.

§ 80. [DEATH OF OFFICER OF PETITIONING COUNTY.] If any county officer of the petitioning county shall die before his term of office shall have expired, after the proclamation aforesaid, no successor to him shall be elected to fill his unexpired term.

§ 81. [TOWN OFFICERS WHERE COUNTIES UNDER TOWNSHIP ORGANIZATION, ETC.] If both the petitioning and adjoining counties are under township organization, the town officers shall not be in any manner affected by the union and annexation aforesaid. If the petitioning county is under township organization, and the adjoining county is not under township organization, the town officers shall continue to act as such until their respective terms of office shall expire; and the members of the county board of the petitioning county shall all sit with, and as a part of the county board of the adjoining county, as hereinbefore provided; and after the term of office of said town officers and said county board of the petitioning county shall expire, the said township organization shall cease to exist. If the adjoining county is under township organization, and the petitioning county is not under township organization, immediately after the proclamation of the Governor aforesaid, the territory that had constituted the petitioning county shall be divided into towns, in the manner provided in an act entitled "An Act to revise the law in relation to township organization," approved March 4, 1874.

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§ 82. [LEGISLATIVE AND JUDICIAL APPORTIONMENT TO REMAIN, ETC.] The territory which constituted the petitioning county shall continue and remain until the next apportionment of the state for congressional, legislative or judicial purposes part of the same congressional district, of the same senatorial district, of the same judicial grand division, of the same judicial, appellate district, and of the same judicial circuit that it constituted part of at the date of the proclamation aforesaid; and at any election, where the territory that had constituted the respective counties before said proclamation is in different districts, the county clerk of the adjoining county shall keep separate the votes polled in the territory constituting the respective counties before said proclamation, until the next apportionment aforesaid, and shall report and return the same separately to the Secretary of State.

§ 83. [TRANSFER OF CAUSES.] All cases of every kind that are on the docket of the circuit court of the petitioning county at the date of the Governor's proclamation aforesaid, shall be transferred by the clerk of the circuit court of the adjoining county to the docket of the circuit court of that county; and all criminal cases so transferred shall be tried by a jury drawn in the manner provided by law from the qualified jurors residing within the limits of the territory that had constituted the petitioning county before the proclamation aforesaid, unless the defendant in any such criminal case shall consent in open court to be tried by a jury of the adjoining county.

§ 84. [DEBTS, TAXES, ISSUING BONDS.] The adjoining county shall not become liable for the debts of the petitioning county. The county board of the adjoining county shall have all the powers which the county board of the petitioning county had at the date of the said proclamation of the Governor, to levy taxes upon all the property in the territory which had before the aforesaid proclamation constituted the petitioning county, to pay the debts of the petitioning county. The county board of the adjoining county shall have full power to compromise the debts of the petitioning county; and shall have full power to issue bonds in settlement or compromise of the debts of the petitioning county, which debts may be funded by the adjoining county in bonds issued by that county, setting forth upon their face that the principal and interest of said bonds shall be paid from taxes levied upon the property within the territory which had constituted the petitioning county. And the county board of the adjoining county may submit to the legal voters of the adjoining county, as it will be constituted after the said proclamation of the Governor, a proposition to consolidate the debts of the petitioning and adjoining counties; and if a majority of legal voters of said adjoining county, and a majority of the legal voters residing in the territory that had constituted the petitioning county, at any general election shall be in favor of the consolidation of said debts, the same shall be consolidated, and bonds may be issued therefor in the name of the adjoining county. All suits that might have been brought against the petitioning county, may be brought after the proclamation aforesaid against the adjoining county; and any judgment that may be rendered in said suits may be paid by taxation upon the property in the territory that had constituted the

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petitioning county. In any funding of the consolidated debts of the said petitioning or adjoining county, the bonds issued shall not bear a greater rate of interest than five per cent.

APPROVED May 31st, 1879.

COURTS.

APPELLATE COURTS.

§ 1. Terms. | § 2. Emergency.

AN ACT *to amend an act entitled "An act to establish Appellate Courts" approved June* 2, 1877. *Approved and in force February* 28, 1879.

SECTION 1. [TERMS.] *Be it enacted by the People of the State of Illinois represented in the General Assembly* That section 2 of an act entitled "An act to establish Appellate Courts" approved June 2, 1877, be amended so as to read as follows. The terms of said Appellate Courts shall be begun and held in the several districts as follows. In the first district at the City of Chicago on the first Tuesdays in March and October of each year. In the second district at Ottawa, in LaSalle county on the third Tuesdays in June and December of each year. In the third district at Springfield on the third Tuesdays of May and November in each year. In the fourth district at Mt. Vernon on the first Tuesdays in February and July in each year.

§ 2. [EMERGENCY.] WHEREAS, The term of the Judges assigned to duty in the first district expires in June 1879 and

WHEREAS It is desirable that the business of the next term of said court should be transacted before the expiration of said term therefore an emergency exists and this act shall take effect from and after its passage.

APPROVED February 28th, 1879.

JURY.

§ 2. Jury may be dispensed with.

AN ACT *to amend section* 2 *of an act entitled "An Act concerning Circuit Courts, and to fix the times for holding the same, in the several counties in the judicial circuits, in the State of Illinois, exclusive of the county of Cook," approved May* 2, 1873, *in force July* 15, 1873. *Approved May* 24, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section 2 of an act entitled

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"An Act concerning circuit courts, and to fix the times for holding the same, in the several counties in the judicial circuits, in the State of Illinois, exclusive of the county of Cook," approved May 2, 1873, be and the same is hereby so amended as to read as follows

§ 2. [DISPENSING WITH JURY.] When in the opinion of the Judges of any of the judicial circuits of this State, or a majority of them, it shall not be necessary for the speedy administration of justice, to summon a grand and petit jury or either of them, they may, by an order to be made in vacation, or by the court in term time, to be entered of record in the office of the clerk of the circuit court of the county affected thereby, dispense with either or both of such juries for any term, or part of term of such circuit court, and may designate what term or terms, or part or parts thereof, shall be devoted to criminal business; and what term or terms, or part or parts thereof, shall be devoted to civil business; and such court, or Judges in vacation, shall have power to direct all process that may issue or proceedings to be had, to be made returnable to, and to be done at the appropriate terms set apart for the different kinds of business as fixed by such order; and such term or terms shall in all respects be treated only as a term or terms of court for the particular kind of business designated in such order, which order shall stand until rescinded by the court in term time or by a majority of the Judges of the circuit in vacation.

APPROVED May 24th, 1879.

SUPREME COURT—GRAND DIVISIONS.

SECTION 1. Grand divisions.

AN ACT *to amend section one* (1) *of an act entitled*, "*An act to revise the law in relation to the Supreme court*," *approved March* 23*d*, 1874, *and in force July* 1*st*, 1874. *Approved May* 21, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section one (1) of an act entitled "An act to revise the law in relation to the Supreme Court," approved March 23d 1874, be, and the same is, hereby so amended as to read as follows:

§ 1. [GRAND DIVISIONS.] That for the purpose of holding terms of the Supreme Court, the State shall be divided into three grand divisions, to be known as the Southern, Central and Northern Grand Divisions, respectively, and to be as follows:

The Southern Grand Division shall include the counties of Alexander, Bond, Clay, Clinton Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Law-

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rence, Madison, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, Saline, St. Clair, Union, Wabash, Washington, Wayne, White and Williamson.

The Central Grand Division shall include the counties of Adams, Brown, Cass, Calhoun, Champaign, Christian, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Ford, Fulton, Greene, Hancock, Jersey, Logan, Macon, Macoupin, Mason, McDonough, McLean, Menard, Montgomery, Morgan, Moultrie, Piatt, Pike, Sangamon, Schuyler, Scott, Shelby, Tazewell, and Vermilion.

The Northern Grand Division shall include the counties of Boone, Bureau, Carroll, Cook, DeKalb, DuPage, Grundy, Henderson, Henry, Iroquois, JoDaviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingstone, Marshall, McHenry, Mercer, Ogle, Peoria, Putnam, Rock Island, Stark, Stephenson, Warren, Whiteside, Will, Winnebago, and Woodford.

APPROVED May 21st, 1879.

SUPREME COURT—TIME OF HOLDING.

§ 1. Time of holding. | § 2. When opinions to be delivered.

AN ACT *to fix the time of holding the Supreme Court. Approved June* 4, 1879. *In force July* 1, 1879.

SECTION 1. [TIME OF HOLDING.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the terms of the Supreme court shall be begun and held at the several places provided for holding the same as follows:

In the Southern Grand Division, at Mt. Vernon, on the first Tuesdays in May and November in each year.

In the Central Grand Division, at the city of Springfield, on the first Tuesdays of January and June of each year.

In the Northern Grand Division, at Ottawa, on the first Tuesdays of March and September of each year.

§ 2. [WHEN OPINIONS TO BE DELIVERED.] The judges of the Supreme Court are hereby required, in all cases pending in said court, to prepare and file their written opinions deciding said cases, during the respective terms at which said causes may be heard and determined.

APPROVED June 4th, 1879.

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TERMS OF CIRCUIT COURTS.

§ 1. Times of holding court. | § 15. Repeal.

AN ACT *concerning Circuit Courts, and to fix the time for holding the same, in the several counties in the judicial circuits in the State of Illinois, exclusive of the county of Cook. Approved May* 24, 1879. *In force July* 1, 1879.

SECTION 1. [TIMES OF HOLDING COURT.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter the times for holding the circuit courts in the several counties composing the various judicial circuits in the State of Illinois, exclusive of the county of Cook, as said circuits have been defined by a law of the General Assembly, approved June 2, 1877, be as follows:

§ 2. *First Circuit*—In the county of Union, on the first Monday of March, and first Monday of September; in the county of Jackson, on the fourth Monday of March, and second Monday of August, and second Monday in December; in the county of Williamson on the second Mondays of January and July; in the county of Franklin, on the fourth Mondays of April and October; in the county of Saline, on the second Mondays of March and September; in the county of Alexander, on the second Monday of February, and third Monday of September, and second Monday of July; *Provided,* the term to be held on the second Monday of July in Alexander county, shall be held exclusively for criminal business; in the county of Pulaski, on the third Monday of February and first Monday of October; in the county of Pope, on the third Monday of February and second Monday of October; in the county of Massac, on the third Monday of April and third Monday of November; in the county of Hardin, on the first Monday of April and fourth Monday of October; in the county of Johnson, on the first Mondays of April and November.

§ 3. *Second Circuit*—In the county of Lawrence, on the first Mondays of February and August; in the county of Cumberland, on the third Mondays of February and August; in the county of Crawford, on the first Mondays of March and September; in the county of Clay, on the third Mondays of March and on the second Monday of September; in the county of Richland, on the second Mondays of April and November; in the county of Effingham, on the fourth Monday of April and third Monday of October; in the county of Jasper, on the third Monday of May and first Monday of December; in the county of Jefferson, on the second Monday of May and second Monday of December; in the county of Hamilton, on the fourth Monday of February and fourth Monday of September; in the county of Wayne, on the third Monday of March and third Monday of October; in the county of Edwards on, the second Monday of April and second Monday of November; in the county of Wabash, on the third Monday of April and the third Monday of November; in the county of White, on the first Monday of January, the first Monday of June and the first Monday of October; in the county of Gallatin, on the first Monday of February and the first Monday of September; *Provided,* that the June term of the court to be held in the county of White shall be devoted

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exclusively to the impanneling of a grand jury, the trial of criminal cases, and the transaction of any business in civil and chancery cases not requiring a jury, or where a jury may be waived.

§ 4. *Third Circuit*—In the county of St. Clair, on the third Monday of February, third Monday of May, and the third Monday of September; in the county of Madison, on the third Monday of March and third Monday of October; in the county of Bond, on the first Monday of March and first Monday of September; in the county of Marion, on the second Monday of February and second Monday of August; in the county of Randolph, on the first Mondays of March and September; in the county of Monroe, on the third Mondays thereafter; in the county of Washington, on the second Mondays thereafter; in the county of Perry, on the third Mondays thereafter; in the county of Clinton, on the second Mondays thereafter.

§ 5. *Fourth Circuit*—In the county of Vermilion, on the first Monday in February, third Monday of May and first Monday of October; in the county of Edgar, on the second Monday of March and the second Monday of September; in the county of Douglas, on the second Monday of April and the second Monday of October; in the county of Clark, on the first Monday of March and the first Monday of September; in the county of Coles, on the second Monday of April and the second Monday of November; in the county of Piatt, on the first Monday of September and first Monday of February; in the county of Champaign, on the fourth Monday of September and first Monday in March; in the county of Moultrie, on the third Monday in November and third Monday of April, in the county of Macon, on the first Monday of December and second Monday of May.

§ 6. *Fifth Circuit*—In the county of Sangamon, on the first Monday of February, first Monday of May and first Monday of October; in the county of Macoupin, on the third Monday in February, on the first Monday in June and third Monday in September; in the county of Christian, on the first Monday of March, last Monday of June and third Monday of November; *Provided*, that the said June term shall be devoted exclusively to the trial of chancery causes, and the trial or transaction of any business in criminal and civil cases not requiring a jury, and no jury shall be impaneled for said June term. In the county of Montgomery, on the seventh Tuesday after the first Tuesday of February, and on the twelfth Tuesday after the third Tuesday of August; in the county of Fayette, on the third Tuesday after the first Tuesday in February and the fourth Tuesday after the third Tuesday of August; in the county of Shelby, on the first Tuesday of April and on the eighth Tuesday after the third Tuesday of August.

§ 7. *Sixth Circuit*—In the county of Adams, on the third Monday of January, and fourth Monday of March and on the third Monday of May, and on the third Monday of June, and third Monday of September, and on the fourth Monday of October; in the county of Hancock, on the first Mondays of March, June and October; in the county of McDonough, on the first Tuesday of February, the second Tuesday of May, and the second Tuesday of September. *Provided*, that the May term shall be devoted exclusively to the trial of chancery

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causes, and the trial or transaction of any business in civil and criminal cases not requiring a jury, and no jury shall be impaneled for said May term. In the county of Brown, on the fourth Tuesday in February, and the first Tuesday in October, in the county of Fulton, on the second Tuesday of March, the third Tuesday of August, and the first Tuesday of December. In the county of Pike, on the first Tuesday of April, and the first Tuesday of November. In the county of Schuyler, on the fourth Tuesday in April, and the third Tuesday in October.

§ 8. *Seventh Circuit*—In the county of DeWitt, on the third Monday of March, fourth Monday of August and first Monday of December; in the county of Logan, on the third Mondays of January, May and September; in the county of Menard, on the first Monday of March, and third Mondays of July and October; in the county of Mason, on the second Monday of February, and first Mondays of August and November; in the county of Cass, on the first Monday of February, and third Monday of August; in the county of Greene, on the fourth Monday of February, and first Monday of September; in the county of Jersey, on the third Monday of March and fourth Monday of September; in the county of Calhoun, on the second Mondays of April and October; in the county of Scott, on the fourth Mondays of April and October; in the county of Morgan, on the second Mondays of May and November.

§ 9. *Eighth Circuit*—In the county of Peoria, on the first Mondays in February, May, October, and December; in the county of Stark, on the second Mondays of March and September; in the county of Tazewell, on the first Mondays of May, and February, and second Mondays of September, and November; in the county of Marshall, on the second Monday of January, and first Mondays of June and October in each year; in the county of Putnam, on the first Monday of March and fourth Monday of October; in the county of Woodford, on the first Mondays of April, August and December.

§ 10. *Ninth Circuit*—In the county of LaSalle, on the second Monday of October, second Monday of January, second Monday of March, and the second Monday of June; in the county of Bureau, on the third Monday of March and fourth Monday of August, and the first Monday in December; in the county of Grundy, on the third Monday of November and second Monday of March; in the county of Will, on the first Monday of January, and the third Monday of May, which term shall close on the last Saturday in June, and on the third Monday of September.

§ 11. *Tenth Circuit*—In the county of Rock Island, on the first Mondays of January, May and September; in the county of Henry, on the second Mondays of February, June and October; in the county of Mercer, on the third Monday of March, fourth Monday of November and second Monday of August; in the county of Knox, on the first Mondays of February and June, and the third Monday of October; in the county of Warren, on the first Mondays of January and May, and third Monday of September; in the county of Henderson, on the second Monday of March, and fourth Monday of August.

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§ 12. *Eleventh Circuit*—In the county of Livingston, on the first Tuesdays of January and May, and second Tuesday of October; in the county of Iroquois, on the first Tuesdays of March and November, and third Tuesday of June; in the county of Kankakee, on the first Tuesdays of April and December, and third Tuesday of September; in the county of McLean, on the second Monday in September, first Monday of November, first Monday of February, and fourth Monday of April; in the county of Ford, on the third Tuesday of August, and first Tuesdays of April and December.

§ 13. *Twelfth Circuit* In the county of Kane, on the first Monday of February on the third Monday of April, and on the first Monday of October; in the county of DuPage, on the third Mondays of March and September; in the county of Kendall, on the fourth Monday of May and second Monday of January; in the county of Boone, on the second Mondays of September and February; in the county of DeKalb, on the third Monday of June, and fourth Mondays of October and February; in the county of McHenry, on the second Monday of January, fourth Mondays of May and September; and in the county of Lake, on the second Monday of March, and first Monday of November.

§ 14. *Thirteenth Circuit*—In the county of JoDaviess, on the second Mondays of November and February, and the fourth Monday in May; in the county of Stephenson, on the first Mondays of September and December, and the third Monday of March; and in the county of Winnebago, on the first Monday in October, second Monday in January, and the fourth Monday of April; in the county of Whiteside, on the fourth Monday of August, and first Monday of December, second Monday of March, and second Monday of June; in the county of Carroll, on the third Monday of September, first Monday of January, and second Monday of April; in the county of Ogle, on the first Monday of October, third Monday of January, and fourth Monday of April; in the county of Lee, on the fourth Monday of October, second Monday of February and third Monday of May; *Provided* that no grand or petit jury shall be summoned for the June term in the county of Whiteside, unless specially ordered by the court.

§ 15. [REPEAL.] All acts or parts of acts in conflict herewith be, and the same are hereby repealed.

APPROVED May 24th, 1879.

TERMS OF CIRCUIT COURTS—McLEAN AND FORD COUNTY.

§ 1. Change of term. | § 2. Emergency.

AN ACT *to fix the time for holding the Circuit Courts in the counties of McLean and Ford. Approved and in force March* 28, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the Circuit Courts shall,

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after the taking effect of this act, be held in the counties of McLean and Ford, as follows:

In the county of McLean, on the second Monday of September, first Monday of November, first Monday of February and fourth Monday of April; in the county of Ford, on the third Tuesday of August, and first Tuesdays of April and December.

§ 2. [EMERGENCY.] For the reason that the proposed April term of said court in McLean county occurs before the first day of next July, an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED March 28th, 1879.

TERM OF CIRCUIT COURT—FULTON COUNTY.

§ 1. Terms of court.
§ 2. Proceedings legalized.
§ 3. Emergency.

AN ACT *providing for a term of the Circuit Court of Fulton county in May*, 1879, *and legalizing the judicial proceedings therein named. Approved and in force May* 21, 1879.

WHEREAS, It was provided by the law in force at the time of the meeting of this General Assembly, that the Circuit Court of Fulton county should hold a regular term to commence on the third Tuesday, being the 15th day of April 1879; and

WHEREAS, By the provisions of an act passed at this present session of the General Assembly, it was sought to change the time of holding the April term of said court from Tuesday the 15th day of April 1879, to the third Monday in April, being the 21st day of April 1879; but, through misadventure, the provisions of said act providing for the said change in the time of holding said April term, as the said act was finally engrossed and signed by the Governor were dropped out of said act: and,

WHEREAS, The said circuit court of Fulton county, in pursuance of the said supposed provisions of said act, did not convene on the 15th day of April 1879, as by law it was authorized to do, whereby said term of court lapsed; but the said court did convene on the third Monday, being the 21st day of April 1879, as and for a regular term of said court, and from thenceforth did continue in supposed legal session, transacting all such business as was then pending in said court; and,

WHEREAS, The presiding judge of said court, after learning of said omission in said act, did adjourn said supposed term from time to time, awaiting the action of the General Assembly in the premises; therefore,

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SECTION 1. [CHANGE OF TERM.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be lawful for the Circuit Court of Fulton county to convene on the 22nd day of May, 1879, and, having so convened, it shall be lawful for said court to hear and determine all causes, suits and proceedings pending in said court, and as the same appear upon the docket of said court, and for this purpose it shall be lawful for said court to set aside all judgments and vacate all orders and decrees rendered and made by said court while in such supposed session, or to enter final judgment on verdicts rendered, and in cases tried by said court without the intervention of a jury, and to make all such orders and enter all such decrees, as the court might lawfully have entered and made in regular session.

§ 2. [PROCEEDINGS LEGALIZED.] That all judgments, orders and decrees, entered and made by said circuit court at said supposed term, not set aside, modified, vacated or confirmed under the provisions of the preceding section, and all acts and proceedings thereunder are hereby legalized and validated as fully and perfectly, and to all intents and purposes as if said court had regularly convened and been held according to law.

§ 3. [EMERGENCY.] WHEREAS, an emergency exists by reason of the convening of said term of court in the month of May 1879, as herein provided for, therefore this act shall take effect and be in force from and after its passage.

APPROVED May 21st, 1879.

COUNTY COURTS.

§ 9. Change of terms.

AN ACT *to amend section nine* (9) *of an act entitled "An act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," Approved March* 26, 1874, *in force July* 1, 1874. *Approved May* 13, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section nine (9) of an act entitled "An act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, 1874, in force July 1, 1874, be and the same is hereby so amended as to read as follows.

§ 9. Adams, on the first Mondays of February, June and October.

APPROVED May 13th, 1879.

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§ 1. Change of terms.

AN ACT *to amend sections twelve* (12), *thirty-six* (36), *thirty-eight* (38), *forty-five* (45), *forty-nine* (49), *fifty-one* (51), *and seventy-five* (75), *of an act entitled "An act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time of holding the same and to repeal a certain act therein named," approved March 26th*, 1874, *as amended by act in force July* 1, 1875. *Approved May* 15, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That sections twelve (12) thirty-six (36) thirty-eight (38) forty-five (45) forty-nine (49) fifty-one (51) and seventy-five (75) of an act entitled "An Act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same and to repeal an act therein named," approved March 26th, 1874, be and the same are hereby amended so as to read as follows, viz:

§ 12. Boone, in March, June and December.

§ 36. Franklin, on the third Mondays of February and August.

§ 38. Gallatin, on the third Mondays of April and November.

§ 45. Henry, in April, August and December.

§ 49. Jefferson, on the third Mondays of March and September.

§ 51. JoDaviess, in April, December and on the third Monday of September.

§ 75. Monroe, in January and June.

APPROVED May 15th, 1879.

§ 21. Change of terms. | § 2. Emergency.

AN ACT *to amend an act entitled "An act to amend section* 21 *of an act entitled "An act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," Approved May* 22, 1877. *In force July*, 1, 1877. *Approved and in force May* 15, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section twenty-one (21) of an act entitled "An Act to amend section twenty-one (21) of an act entitled "An act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved May 22, 1877, in force July 1, 1877, be and the same is hereby amended so as to read as follows.

§ 21. Clay, in January and June.

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§ 2. [EMERGENCY.] WHEREAS, The only term of said court now provided for by law commences on the third Monday in October, and therefore conflicts with the circuit court, of said county, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED May 15th, 1879.

§ 52. Change of terms.

AN ACT *to amend section fifty-two* (52) *of an act entitled "An act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March* 26, 1874, *in force July* 1, *A. D.* 1874. *Approved May* 15, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section fifty-two (52) of an act entitled "An act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, A. D. 1874, in force July 1, 1874, be and the same is hereby amended so as to read as follows.

§ 52. Johnson, in February and August.

APPROVED May 15th, 1879.

§ 60. Change of term.

AN ACT *entitled "An Act to amend section* 60 *of an act entitled "An Act to extend the jurisdiction of County Courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March* 26, 1874, *in force July* 1, 1874. *Approved May* 10, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section 60 of an act entitled "An Act to extend the jurisdiction of courty courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, 1874; in force July 1, 1874, be and the same is hereby so amended as to read as follows.

§ 60. Lee, in December and June.

APPROVED May 10th, 1879.

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§ 66. Change of terms.

AN ACT *to amend an act entitled "An Act to extend the jurisdiction of the county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named" approved March* 26, 1874, *in force July* 1, 1874. *Approved May* 13, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section sixty-six (66) of "An Act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," be and the same is hereby so amended as to read as follows:

§ 66. Macon, in February July and October.

APPROVED May 13th, 1879.

§ 70. Change of terms.

AN ACT *to amend section* 70, *of an act entitled "An Act to amend sections* (70), *eighty-six,* (86) *and one hundred and nine* (109), *of An Act entitled "An Act to extend the jursidiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March* 26, 1874, *approved April* 13, 1875. *Approved May* 13, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section (70) of an act entitled "An act to amend sections seventy (70) eighty-six (86) and one hundred and nine (109), of an act entitled "An Act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time of holding the same, and to repeal an act therein named," approved March 26th, 1874, approved April 13, 1875, be amended so as to read as follows:

§ 70. Marshall, on the fourth Mondays of April, August, and November in each year.

APPROVED May 13th, 1879.

§ 1. Change of term.

AN ACT *to amend section seventy-nine* (79) *of an act entitled "An act to extend the jurisdiction of County Courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March* 26, 1874. *Approved May* 10, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section seventy-nine (79) of an

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act entitled "An Act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, 1874, be amended so as to read as follows:

§ 79. Ogle, in February, June and November.

APPROVED May 10th, 1879.

§ 84. Change of term. | § 2. Emergency.

AN ACT *to amend section* 84 *of an act entitled "An act to extend the jurisdiction of County Courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March* 26, 1874, *approved February* 22, 1877, *in force July* 1, 1877. *Approved and in force May* 10, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly* That section 84 of an act entitled "An Act to extend the Jurisdiction of the County Courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, 1874, be and the same is hereby amended so as to read as follows:

§ 84. Pope, The third Monday in July of each year.

§ 2. [EMERGENCY.] WHEREAS, The only term of said court now provided by law commences on the second Monday in February and therefore conflicts with the Circuit Court of said county, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED May 10th, 1879.

§ 93. Change of terms.

AN ACT *to amend section ninety-three* (93) *of an act entitled "An act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March* 26, 1874. *Approved May* 13, 1879, *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section ninety-three (93), of an act entitled "An act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same,

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and to repeal an act therein named," approved March 26, 1874, be amended so as to read as follows:

§ 93. Shelby, in January and July.

APPROVED May 13th, 1879.

§ 107. Change of time.

AN ACT *to amend section one hundred and seven* (107), *of an act entitled "An act to extend the jurisdiction of the county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March* 26, 1874, *in force July* 1, 1874; *approved May* 13, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section one hundred and seven (107) of an act entitled "An act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, A. D. 1874, in force July 1, 1874, be and the same is hereby amended so as to read as follows:

§ 107. Williamson, in March, August, and December.

APPROVED May 13th, 1879.

INTERCHANGE OF JUDGES.

§ 1. Interchange of judges.

AN ACT *to authorize county judges to interchange, hold court for each other, and perform each others duties. Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. [INTERCHANGE OF JUDGES.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the county judges of the several counties of this State, with like privileges as the judges of the circuit courts of this State, may interchange with each other, hold court for each other, and perform each others duties, when they find it necessary or convenient.

APPROVED May 31st, 1879.

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COURTS OF RECORD—IN CITIES.

CITY COURTS.

§ 21. Courts—how established.

AN ACT *to amend section* 21 *of an act entitled "An act to amend sections* (5) *ten and twenty-one of an act entitled "An act in relation to courts of record in cities," approved March* 26*th* 1874, *amendment thereto approved May* 21*st*, 1877. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section twenty-one (21) of an entitled "An act to amend sections five (5) ten (10) and twenty-one (21) of an act entitled "An act in relation to courts of record in cities," approved March 26th, 1874, amendment thereto approved May 21st, 1877, be amended so as to read as follows:

§ 21. [COURTS—HOW ESTABLISHED.] A city court consisting of one or more judges, not exceeding five, and not exceeding one judge for every fifty thousand inhabitants, may be organized and established under this act in any city which contains at least three thousand inhabitants, whenever the common or city council shall adopt an ordinance or resolution, to submit the question whether such court shall be established, consisting of one or more judges, not exceeding five, as may be specified in such ordinance or resolution, to the qualified voters of such city, and two-thirds of the votes cast at the election shall be in favor of the establishment of such court. Where such court is established with more than one judge, each judge, may hold a separate branch thereof at the same time, and when holding such separate branch, each judge may exercise all the powers vested in such courts; such election shall be held and conducted, the returns thereof made and canvassed, and the result declared in the same manner as other city elections. To discontinue and disestablish any such court, precisely the same modes of procedure shall be requisite and necessary, and be resorted to, as for the organization of said court. In the event of the discontinuance and disestablishment of any such court, the clerk thereof, shall transfer and deliver to the circuit court of the county in which such city court is situated, all records, judgments, and processes in possession of himself, or of any other officer of said city court, and the circuit court shall thereupon, acquire and be vested with jurisdiction in the cases to which said judgments or process relates.

APPROVED May 31st, 1879.

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CRIMINAL CODE.

§ 1. Adulteration—penalty.
§ 2. Keeping diseased cows, etc.
§ 3. Cans, vehicles, etc., to be marked.
§ 4. Selling skimmed milk.
§ 5. Judgment—capias.
§ 6. What is an adulteration.
§ 7. Repeal.

AN ACT *to regulate the sale of milk, and to provide penalties for the adulteration thereof. Approved May* 29, 1879. *In force July* 1, 1879.

SECTION 1. [ADULTERATION—PENALTY.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whoever shall, for the purpose of sale for human food, adulterate milk with water or any foreign substance, or whoever shall knowingly sell for human food, milk from which cream has been taken, without the purchaser thereof being informed or knowing the fact, or whoever shall knowingly sell for human food, milk from which what is commonly called "strippings" has been withheld, without the purchaser thereof being informed or knowing the fact, or whoever shall knowingly sell for human food milk drawn from a diseased cow, knowing her to be so diseased as to render her milk unwholesome, or whoever shall knowingly sell for human food, milk so tainted or corrupted as to be unwholesome, or whoever shall knowingly supply, or bring to be manufactured into any substance for human food, to any cheese or butter factory or creamery, without all interested therein knowing or being informed of the fact, milk which is adulterated with water or any foreign substance, or milk from which cream has been taken, or milk from which what is commonly called "strippings" has been withheld, or milk drawn from a diseased cow, knowing her to be so diseased as to injure her milk, or milk so tainted or corrupted as to be unwholesome, or whoever shall knowingly, with intent to defraud, take from milk after it has been delivered to a cheese factory, or butter factory, or creamery, to be manufactured into any substance for human food, for or on account of the person supplying the milk or cream, or shall, with like intent, knowingly add any foreign substance to the milk or cream, whereby it, or the products thereof shall become unwholesome for human food, shall be guilty of a misdemeanor, and for each and every such misdemeanor shall be fined not less than twenty-five (25) nor more than one hundred dollars ($100) or confined in the county jail not exceeding six (6) months, or both, in the discretion of the court.

§ 2. [KEEPING DISEASED COWS, ETC.] Any person who shall adulterate milk, with the view of offering the same for sale or exchange, or shall keep cows for the production of milk for market, or for sale or exchange, in an unhealthy condition, or knowingly feed the same on food that produces impure, diseased, or unwholesome milk, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine of not less than fifty dollars ($50), nor more than two hundred dollars ($200), for each and every offense.

§ 3. [CANS, VEHICLES, ETC. TO BE MARKED.] Any person or persons who shall in any of the cities of this State, engage in or carry on a retail business in the sale, exchange of, or any retail traffic in milk, shall have each and every can in which the milk is carried or exposed

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for sale or exchange, and the carriage or vehicle from which the same is vended, conspicuously marked with his, her, or their name or names, also indicating by said mark the locality from which said milk is obtained or produced, and for every neglect of such marking, the person or persons so neglecting, shall be subject to the penalties expressed in section two of this act, but for every violation of this act, by so marking said cans, carriage or vehicle, as to convey the idea that said milk is produced or procured from a different locality than it really is, the person or persons so offending, shall be subject to a fine of one hundred dollars ($100).

§ 4. [SELLING SKIMMED MILK.] Any person who shall, in any of the cities in this State, offer for sale any milk from which the cream or any part thereof shall have been taken, shall offer for sale and sell the same as skimmed milk, and not otherwise, and shall have each can or vessel in which such milk is carried, or exposed for sale, plainly and conspicuously marked with the words, "Skimmed Milk." Any person violating this section shall be subject to a fine not exceeding fifty dollars ($50) for each and every violation.

§ 5. [JUDGMENT—ISSUING CAPIAS.] Upon the rendition of judgment imposing a fine as provided in the foregoing sections, it shall be the duty of the justice of the peace or other court rendering said judgment, also, to render a judgment for the costs, and forthwith to issue a *capias* or warrant of commitment against the body of the defendant, commanding that, unless the said fine and costs be forthwith paid, the defendant shall be committed to the jail of the county, and the constable or other officer to whose hands said *capias* or warrant shall come, shall in default of such payment, arrest the defendant and commit him to the jail of the county, there to remain, as provided by section 308 of "An act to revise the law in relation to criminal jurisprudence," in force July 1, 1874; unless such fine and costs shall sooner be paid.

§ 6. [WHAT IS AN ADULTERATION.] The addition of water or any foreign substance to milk or cream intended for sale, or exchange, is hereby declared an adulteration. Any milk that is obtained from cows fed on distillery waste, usually called "swill," or upon any substance in a state of putrefaction, is hereby declared to be impure, and unwholesome. Nothing in this act shall be construed to prevent the addition of sugar in the manufacture of condensed or preserved milk.

§ 7. [REPEAL.] Section nine (9) of division one (1) of an act entitled "An act to revise the law in relation to criminal jurisprudence," (approved March 27, 1874,) and all other acts and parts of act inconsistent herewith are hereby repealed.

APPROVED May 29th, 1879.

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CONCEALING PROPERTY.

§ 1. Concealing property.

AN ACT *punishing persons hiding or concealing property levied upon by legal process or held under a distress warrant. Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. [CONCEALING PROPERTY.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That any person who by virtue of any legal process or distress warrant, shall seize any property, and shall thereafter hide or conceal the same so that it cannot be recovered by writ of replevin in the county where such seizure took place, or shall refuse to deliver the same to any officer having a writ for the replevy of said property on his demand therefor, shall be guilty of a misdemeanor, and on conviction shall be fined in any sum not less than twenty dollars, nor more than two hundred dollars.

APPROVED May 31st, 1879.

DEPOSITORS—PROTECTION OF BANK.

§ 1. Bank officer, receiving deposit, after insolvency.
§ 2. Converting money, etc., to private use, larceny.
§ 3. Loans to bank officer.
§ 4. Savings bank not to become liable as guarantor, etc.

AN ACT *for the protection of bank depositors. Approved June* 4, 1879 *In force July* 1, 1879.

SECTION 1. [BANK OFFICER, BROKERS, ETC., RECEIVING DEPOSIT AFTER INSOLVENCY.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That if any banker or broker, or person or persons doing a banking business, or any officer of any banking company, or incorporated bank, doing business in this State, shall receive from any person or persons, firm, company or corporation, or from any agent thereof, not indebted to said banker, broker, banking company or incorporated bank, any money, check, draft, bill of exchange, stocks, bonds, or other valuable thing which is transferable by delivery, when at the time of receiving such deposit, said banker, broker, banking company or incorporated bank is insolvent, whereby the deposit so made shall be lost to the depositor, said banker, broker or officer, so receiving such deposit, shall be deemed guilty of embezzlement, and upon conviction thereof, shall be fined, in a sum double the amount of the sum so embezzled and fraudulently taken, and in addition thereto, may be imprisoned in the State penitentiary, not less than one, nor more than three years. The failure, suspension, or involuntary liquidation of the banker, broker, banking company, or incorporated bank, within thirty days from and after the time of receiving such deposit, shall be *prima facie* evidence of an intent to defraud, on the part of such banker, broker or officer of such banking company or incorporated bank.

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§ 2. [CONVERTING MONEY, BONDS, ETC., TO PRIVATE USE, LARCENY.] If any banker or broker, or person or persons doing a banking business or his agent or servant, or any officer, agent or servant of any banking company or incorporated bank, shall, fraudulently convert to his own private use, any bullion, money, note, bills, bond, draft, bill of exchange, or other property deposited with him, or with such banking company or incorporated bank, he or they shall be deemed guilty of larceny, and upon conviction thereof, shall be liable to the pains and penalties in such cases made and provided for by the statutes of this State.

§ 3. [SAVINGS BANK NOT TO LOAN TO BANK OFFICERS.] It shall not be lawful for any savings bank, to loan any deposit or trust fund to any officer or officers of such savings bank, and any savings bank, so loaning, shall, upon proof thereof, if organized under the laws of this State, be considered to have forfeited its chartered rights and franchise, or liable to a fine of twice the amount so loaned at the discretion of the court before which such case may be brought, and the officer or officers receiving such deposit or trust fund, shall be deemed guilty of having obtained the same under false pretenses, and shall be punished therefor according to law.

§ 4. [SAVINGS BANK NOT TO BECOME LIABLE AS GUARANTOR, ETC.] It shall not be lawful for any savings bank, individual or individuals doing banking business, banking company, or incorporated bank receiving savings deposit, or deposits of trust funds, to assume the payment of, or to become liable for, or to guarantee to pay the principal of, or interest on, any bonds, notes or other evidence of indebtedness of, for, or on account of any person or persons, company, or incorporation; and in any assumption, liability or guarantee, whereby such deposits or trust funds could be jeopardized or impaired shall be null and void.

APPROVED June 4th, 1879.

DISORDERLY CONDUCT.

§ 56. Disturbing the peace.

AN ACT *to amend an act entitled, "An Act to revise the law in relation to Criminal Jurisprudence," approved March 27th,* 1874, *in force July 1st,* 1874. *Approved May* 24, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section fifty-six (56) of division one (1) of an act entitled "An Act to revise the law in relation to Criminal Jurisprudence," approved March 27, 1874, in force July 1, 1874, be so amended as to read as follows:

§ 56. [DISTURBING THE PEACE.] Whoever wilfully disturbs the peace and quiet of any neighborhood or family, by loud or unusual

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noises, or by tumultuous or offensive carriage, threatening, traducing, quarreling, challenging to fight or fighting, or whoever shall carry concealed weapons, or in a threatening manner display any pistol, knife, slungshot, brass steel or iron knuckles, or other deadly weapon, shall be fined not exceeding one hundred dollars.

APPROVED May 24th, 1879.

FALSE PRETENSES.

§ 102½. Celebrating marriage without authority.

AN ACT *to amend an act entitled "An act to revise the law in relation to Criminal Jurisprudence," approved March 27, 1874. Approved May 29, 1879. In force July 1, 1879.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An Act to revise the law in relation to Criminal Jurisprudence," approved March 27th, 1874, be and the same is hereby amended by adding the following section:

§ 102½. [CELEBRATING MARRIAGE WITHOUT AUTHORITY.] Any person who shall celebrate any marriage when not authorized by the law of this State to celebrate marriages, shall be fined in any sum not exceeding five hundred dollars, and imprisonment for a period of not less than one day, and not exceeding two years. *Provided,* that the marriages among the people called Friends or Quakers, may be solemnized in the manner heretofore practiced in their societies.

APPROVED May 29th, 1879.

GAMING.

§ 1. Playing cards, etc., in saloons. | § 2. Emergency.

AN ACT *to prevent the playing of cards, dice, balls, or any other article or device used in gaming, by minors, in saloons or in places where intoxicating liquors are sold. Approved and in force May 20, 1879.*

SECTION 1. [PLAYING CARDS, ETC., IN SALOONS, BY MINORS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all saloons or places where intoxicating liquors are sold, in which minors are permitted to play with cards, dice, balls, or any other article or device used in gaming, are hereby declared to be disorderly houses. Every proprietor or keeper of such saloons or places where such gaming or playing shall take place, shall for the first

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offense be subjected to a fine of not exceeding fifty dollars, and for any subsequent offense, to a fine not exceeding one hundred dollars, or to imprisonment not exceeding thirty days for the first offense, and sixty days for any subsequent offense.

§ 2. [EMERGENCY.] WHEREAS, It appears that there is an emergency, on account of which this act should at once take effect, therefore this act shall take effect from and after the time of its passage.

APPROVED May 20th, 1879.

GRAVES—GRAVEYARDS AND CEMETERIES.

§ 138. Removing human remains.

AN ACT *to amend section* 138, *division* 1 *of an act entitled "An act to revise the law in relation to Criminal Jurisprudence," approved March* 27, 1874, *in force July* 1, 1874. *Approved May* 21, 1879. *In force July* 1, 1879.

[REMOVING HUMAN REMAINS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section 138, division 1, of an act entitled "An act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874, be, and the same is, hereby amended so as to read as follows:

Whoever willfully and without authority digs up, disinters, removes or conveys away from the place of sepulture or interment thereof, any human body or the remains thereof, or knowingly aids in such disinterment removal or conveying away, shall be imprisoned in the penitentiary, not less than one nor more than ten years.

APPROVED May 21st, 1879.

LABELS—SUBSTANCES PURPORTING TO BE BUTTER OR CHEESE.

§ 1. Packages, etc., stamped or marked.
§ 2. Labels.
§ 3. Penalties.

AN ACT *to prevent frauds in the manufacture and sale of butter and cheese. Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. [PACKAGES, ETC., STAMPED OR MARKED.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That whoever manufactures, sells, or offers for sale, or causes the same to be done, any substance purporting to be butter or cheese, or having the semblance of butter or cheese, which substance is not made

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wholly from pure cream or pure milk, unless the same be manufactured under its true and appropriate name, and unless each package, roll or parcel of such substance, and each vessel containing one or more packages of such substance, have distinctly and durably painted, stamped or marked thereon the true and appropriate name of such substance, in ordinary bold faced capital letters not less than five-lines pica, shall be punished as provided in section three of this act.

§ 2. [LABELS.] Whoever shall sell any such substance as is mentioned in section one of this act, to consumers, or cause the same to be done, without delivering with each package, roll or parcel so sold, a label on which is plainly and legibly printed, in Roman letters, the true and appropriate name of such substance, shall be punished as is provided in section three of this act.

§ 3. [PENALTIES.] Whoever knowingly violates section one, or section two of this act, shall be fined in any sum not less than ten nor more than three hundred dollars, or imprisoned in the county jail not less than ten nor more than ninety days, or both, in the discretion of the court; *Provided*, that nothing contained in this act shall be construed to prevent the use of skimmed milk, salt rennet, or harmless coloring matter, in the manufacture of butter or cheese.

APPROVED May 31st, 1879.

LARCENY.

§ 1. Punishment—value of property.
§ 2. Labor in work-house, streets, etc.
§ 3. Working out fine—credit for day's work.
§ 4. Power of keeper of work-house, etc.
§ 5. Repeal.

AN ACT *to amend the Criminal Code, to change the punishment of persons convicted of the crime of petit larceny and misdemeanors, and to repeal an act entitled "An act to amend section* 168 *of an act entitled "An act to revise the law in relation to Criminal Jurisprudence," approved March* 27, 1874, *approved April* 10, 1877, *in force July* 1, 1877. *Approved May* 28, 1879. *In force July* 1, 1879.

SECTION 1. [PUNISHMENT—VALUE OF PROPERTY.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, Every person convicted of larceny if the property stolen exceeds the value of fifteen dollars, shall be imprisoned in the penitentiary not less than one, nor more than ten years: If the property stolen is of the value of fifteen dollars, or less, the person convicted shall be confined in the county jail, or sentenced to labor in the work-house of the county, city or town, where the conviction is had, or on the streets or alleys of the city, or on the public roads in the county, or to such labor under the direction of the sheriff as the county board may provide for, not exceeding one year, and fined not exceeding one hundred dollars.

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§ 2. [LABOR IN WORK-HOUSE, STREETS, ETC.] That hereafter any person convicted in any Court of Record of any misdemeanor under the criminal code of this State the punishment of which in whole or in part now is, or hereafter may be imprisoned in the county jail, the Court in which such conviction is had, may in its discretion, instead of committing to jail, sentence such person to labor in the work-house of any city, town or county, where the conviction is had, or on the streets and alleys of any city, town or on the public roads of the county, under any street commissioner, city marshal, or person having charge of the work-house, streets, or public roads of such city, town or county, or to such labor under the direction of the sheriff as the county board may provide for.

§ 3. [WORKING OUT FINE—CREDIT FOR DAY'S WORK.] That any person convicted of petit larceny, or any misdemeanor punishable under the laws of this State, in whole, or in part, by fine may be required by the order of the Courts of Record, in which the conviction is had, to work out such fine and all costs, in the work-house of the city, town or county, or in the streets and alleys; of any city or town, or on the public roads in the county, under the proper person in charge of such work-house, streets, alleys, or public roads, at the rate of one dollar and fifty one hundredth dollars ($1 50) per day for each days work.

§ 4. [POWER OF KEEPER OF WORK-HOUSE, ETC.] That any keeper of a work-house, street commissioner, city marshal, or supervisor of roads, or person in whose keeping such convicted person shall be placed, may provide for the safe keeping of such person, during the time such person may be in his charge, by providing balls and chains, and attaching them to such person at any time, and may, if deemed necessary to prevent the escape of such prisoner, confine him in the county jail during the night, and at any other time such prisoner cannot be kept at work.

§ 5. [REPEAL.] That an act entitled "An act to amend section 168 of an act entitled 'An act to revise the law in relation to criminal jurisprudence'" approved March 27th, 1874, in force July 1st 1874, approved April 10th, 1877, in force July 1st, 1877, be, and the same is hereby repealed.

APPROVED May 28th, 1879.

MALICIOUS MISCHIEF.

§ 186. To railroads.

AN ACT *to amend section* 186 *of an act entitled "An act to revise the law in relation to criminal jurisprudence, approved March 27th,* 1874, *in force July* 1, 1874. *Approved May* 31, 1879. *In force July* 1, 1879.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section 186 of an act entitled "An act to revise the law in relation to criminal jurisprudence," approved March 27th, 1874; in force July 1st, 1874, be and is hereby amended to read as follows:

§ 186. [TO RAILROADS.] Whoever wilfully, and maliciously, displaces or removes, any switch, signal, or rail of any railroad, or displaces, or removes, any signal or signal-light, from any bridge that is built across any navigable stream in this State, or breaks down, rips up, injures or destroys any track bridge or other portion of any railroad, or places obstructions thereon, or places any false signal upon or along the line of any railroad track, or upon any bridge built across any navigable stream in this State, or does any act to any engine, machine or car of such railroad, with intent that any person or property being or passing on or over such railroad, or over or through, or under such bridge built across any navigable stream of this State, should be injured thereby, shall be imprisoned in the penitentiary not less than one year nor more than five years. Or if in consequence of any such act done with such intent, any person being or passing on or over such railroad, or over through or under such bridge, built across any navigable stream of this State, suffers any bodily harm, or any property is injured, the person so offending, shall be imprisoned in the penitentiary not less than three nor more than ten years, and if in consequence of any such act, done with such intent, any person is killed, the person so offending, shall be deemed guilty of murder and punished accordingly.

APPROVED May 31st, 1879.

KEEPING BOAT FOR PURPOSE OF PROSTITUTION.

§ 1. Keeping boat for purpose of prostitution.

AN ACT *to amend the Criminal Laws of the State. Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. [KEEPING BOATS, ETC., FOR PURPOSE OF PROSTITUTION.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That any person who shall keep a boat or other water craft for the purposes of prostitution on any of the navigable waters of this State, breakwater or other stream, over or upon which this State has jurisdiction, shall be guilty of a felony, and upon conviction thereof, shall be confined in the penitentiary for a period of not less than one nor more than three years, and shall be fined any sum not exceeding one thousand dollars.

APPROVED May 31st, 1879.

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DRAINAGE.

§ 1. Drainage districts.
§ 2. Petition.
§ 3. Notice of filing petition, etc.
§ 4. Jurisdiction of county courts.
§ 5. Hearing—filings of court—commissioners.
§ 6. Oath.
§ 7. Chairman—secretary.
§ 8. Quorum.
§ 9. Commissioners to examine land—report.
§ 10 Dismissal of proceedings.
§ 11. Survey, profiles, etc.
§ 12. Alteration of plans.
§ 13. Filing report—notice of confirmation.
§ 14. Confirmation—review—modification.
§ 15. Adjournment.
§ 16. Order of confirmation—jury.
§ 17. Assessment of damages.
§ 18. Benefits.
§ 19. Correction of assessments.
§ 20. Hearing of objections.
§ 21. Proceedings on hearing.
§ 22. Confirmation of assessment.
§ 23. Appeal—bond.
§ 24. Trial on appeal.
§ 25. Appeal, etc., from county court.
§ 26. Payment of benefits in installments
§ 27. Certified copy of assessment.
§ 28. Power of commissioners to contract.
§ 29. Treasurer—bond.
§ 30. Duties—term of office.
§ 31 Interest on installments.
§ 32. Bond of commissioners.
§ 33. Notice of asssessment.
§ 34. Delinquent assessments—return—sale
§ 35. Payment before sale.
§ 36. Letting contracts—advertising for bids.
§ 37. Suits, etc.—payment of expenses.
§ 38. Power to borrow money.
§ 39. Payment of damages.
§ 40. Removal of commissioner—filling vacancy.
§ 41. Report by commissioners.
§ 42. Pay of commissioners.
§ 43 Petition to be relieved of assessment.
§ 44. Entry upon lands.
§ 45. Assessment book.
§ 46. Jurisdiction of justices of the peace.
§ 47. Proceedings before justices.
§ 48. Refusal, etc., to perform duty.
§ 49. No second tax—allowance for private drains
§ 50. Commissioners of highways to act.
§ 51. Private drains—petition to cross adjoining lands.
§ 52. Notice of hearing petition.
§ 53. Hearing—proof of notice.
§ 54. Power of commissioners on hearing—report.
§ 55. Proceeding to procure right of way.
§ 56. Jury to assess damages—summons to owner.
§ 57 Return by constable—continuance.
§ 58. Trial—verdict.
§ 59. Witnesses—jury may visit land—cost.
§ 60. Appeal-bond.
§ 61. Proceedings on appeal.
§ 62. Rights established.

IN COUNTIES NOT UNDER TOWNSHIP ORGANIZATION.

§ 63. Jurisdiction of county courts.
§ 64. Petition, etc.
§ 65 Court to appoint viewers—report—hearing objections.
§ 66. Penalty for injury, etc., drains.
§ 67. Liable for damages.
§ 68. Act construed.
§ 69. Repeal
§ 70. Emergency.

DRAINS, DITCHES AND LEVEES, FOR AGRICULTURAL, SANITARY AND MINING PURPOSES.

AN ACT *to provide for the construction, reparation and protection of Drains, Ditches and Levees, across the lands of others, for agricultural, sanitary and mining purposes, and to provide for the organization of Drainage Districts. Approved and in force May* 29, 1879.

SECTION 1. [DRAINAGE DISTRICTS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That drainage districts may be organized and established as hereinafter provided.

§ 2. [PETITION.] Whenever a majority of the owners of lands, within a district proposed to be organized, who shall have arrived at lawful age, and who represent one-third ($\frac{1}{3}$) in area of the lands to be reclaimed or benefitted, desire to construct a drain or drains, ditch or ditches, levee or levees or other work, across the lands of others for agricultural, sanitary or mining purposes, or to maintain and keep in repair any such drain or drains, ditch or ditches, levee or levees heretofore constructed under any law of this State, such owners may file, in the county court of any county in which the greater part

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of the lands to be affected by said drain or drains, ditch or ditches, levee or levees, or other work proposed to be constructed, maintained or repaired, shall lie, a petition signed by a majority of the owners of said lands, within said district, proposed to be organized as aforesaid, setting forth the proposed name of said drainage district, the necessity of the same, with a description of its or their proposed starting points, route and terminus, and a general description of the lands proposed to be affected, with the names of the owners, when known, and, if the purpose of said owners is the repair and maintenance of a ditch or ditches, levee or levees, or other work, heretofore constructed under any law of this State, said petition shall give a general description of the same, with such particulars as may be deemed important and may pray for the organization of a drainage district, by the name and boundaries proposed, and for the appointment of commissioners for the execution of such proposed work according to the provisions of this act. But that nothing in this section shall operate to prevent the organization of any drainage district entirely within one county, nor to deprive the county court of such county, of its jurisdiction of the subject matter of any petition filed in accordance with the provisions of this act. *Provided* that the lands embraced in such drainage district shall be liable for any and all damages which may be sustained by any lands lying above such drainage district, by the construction of any levee, ditch or drain in such district under this act, and the commissioners of any drainage district, composed of lands lying next below another drainage district organized entirely in one county as aforesaid, shall have power to cause the lands lying in such district, entirely within one county, to be assessed in the manner prescribed by this act for the assessment of benefits to pay all such damages to the lands lying in such lower district, and to pay any and all increased costs and expenses of constructing any levee, ditch or drain in such lower district which may be necessary to carry off waters flowing from the higher district, and such lower district shall have the power to connect its levees, ditches or drains with the levees, ditches or drains of such higher district and said higher district shall have the power to connect its levees, ditches or drains with levees, ditches or drains of such lower district.

§ 3. [NOTICE OF FILING PETITION, ETC.] Such petition being filed, the clerk of said county court shall cause three weeks notice of the presentation and filing of such petition, to be given by posting notices thereof, in at least five of the most public places in said proposed district, in which said work is to be done, and also by publishing a copy thereof at least once a week for three successive weeks in some newspaper or newspapers published in each county, from which any part of said district is proposed to be formed. Such notices shall state when and in what court said petition was and is filed, the starting point, route, termini, and general description of the proposed route, the boundaries and name of the proposed drainage district and at what term of the said court the petitioners will ask a hearing on such petition, and the certificate of said clerk or the affidavits of others affixed to a copy of said notices, shall be sufficient evidence of the posting and publication of said notices.

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§ 4. [JURISDICTION OF COUNTY COURT.] The county court in which such petition shall be filed may hear the petition at any probate term, and may determine all matters pertaining thereto under this act, and may adjourn the hearing from time to time or continue the case, for the want of sufficient notice or other good cause.

§ 5. [HEARING—FINDINGS OF COURT—COMMISSIONERS.] On the hearing of any petition filed under the provisions of this chapter all parties through or upon whose land any of the proposed work may be constructed, or whose lands may be damaged or benefited thereby, may appear and contest the necessity or utility of the proposed work or any part thereof, and the contestants and petitioners may offer any competent evidence in regard thereto. It shall be the duty of the court to hear and determine whether or not the said petition, contains the signatures of a majority of the owners of lands within said proposed district, who are of lawful age, and who represent one third in area of the lands proposed to be affected by such work, and the affidavit of any three or more of the signers of said petition, that they have examined said petition and are acquainted with the locality of said district, and that the said petition is signed by a majority of such owners who are of lawful age, who represent at least one-third in area of said land, to be so affected may be taken by the court as *prima facie* evidence of the facts therein stated, or the oath or affirmation before said court or the the affidavit of any person, properly taken and certified by any person or court authorized to take acknowledgments of deeds to real estate in this State, giving the age of such party and his or her ownership of lands to be named in such oath, affirmation or affidavit, by proper description, shall be sufficient evidence to the court of such facts: *Provided*, that all deeds made for the purpose of establishing or defeating the prayer of said petition, not made in good faith, and for a valuable consideration shall be taken and held to be in fraud of the provisions of this act, and the holders thereof shall not be considered as owners thereof. If the court after hearing any and all competent evidence that may be offered before it for and against the said petition, shall find that the same has not been signed by a majority of the land owners as hereinbefore required, the said petition shall be dismissed at the cost of the petitioners, but if the court shall find that the petition has been signed by land owners constituting such majorities, the court shall so find, and such finding shall be conclusive upon the land owners of such district, that they have assented to and accepted the provisions of this act, and if it shall further appear to the court that the proposed drain or drains, ditch or ditches, levee or other works is, or are necessary or will be useful for the drainage of the lands proposed to be drained thereby for agricultural, sanitary or mining purposes, the court shall so find, and appoint three disinterested persons as commissioners to lay out and construct such proposed work. In case the lands to be drained or leveed shall be situated in different counties, not more than two of the commissioners shall be chosen from any such counties. If the court shall find against the petitioners, the petition shall be dismissed at the cost of the petitioners.

§ 6. [OATH.] Before entering upon the duties of their office, such commissioners shall take and subscribe an oath faithfully to discharge

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the duties of their office, without favor or partiality, and to render a true account of their doings to the court, by which they are appointed, whenever required by law or by the order of the court.

§ 7. [CHAIRMAN—SECRETARY.] They shall elect one of their number chairman, and may elect one of their number as secretary.

§ 8. [QUORUM.] A majority of the commissioners shall constitute a quorum, and a concurrence of a majority of their number in any matter within their duties, shall be sufficient.

§ 9. [COMMISSIONERS TO EXAMINE LAND—REPORT.] As soon as may be after their appointment, or within such time as the court may direct, the commissioners shall examine the land of the petitioners proposed to be drained or protected, and the lands over or upon which the work is proposed to be constructed, and determine,

First.—Whether the starting point, route and terminus of the proposed work and the proposed location thereof, is or are in all respects proper and feasible, and if not, what is or are so.

Second.—The probable cost of the proposed work, including all incidental expenses, and the cost of the proceeding therefor.

Third.—The probable annual costs of keeping the same in repair after the work is completed.

Fourth.—What lands will be injured thereby, and the probable aggregate amount of all damages such lands will sustain by reason of the laying out and construction of said work.

Fifth.—What lands will be benefited by the construction of the proposed work, and whether the aggregate amount of benefits will equal or exceed the cost of constructing such work; including all incidental expenses, costs of proceeding and damages.

Sixth.—Whether the proposed district as set out in the petition filed, will embrace all the lands that may be damaged or benefited by the proposed work, and if not to report what additional lands will be so affected.

Seventh.—In case the prayer of the petition is for the purpose of repairing and maintaining a levee or levees, ditch or ditches, heretofore constructed under any law of this State, it shall be the duty of the commissioners to examine the said levee or levees, ditch or ditches, and the lands intended to be reclaimed thereby, and to report to the court,

First.—Whether, in their opinion, said levee or levees, ditch or ditches can, with proper repairs, be made sufficient to protect permanently, said lands from overflow from high water, or to drain the same.

Second.—The probable annual expense of keeping the same in such repair.

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Third.—What lands will be benefited thereby, and the probable aggregate amount of such benefits.

Fourth.—Whether the aggregate annual amount of benefits will equal or exceed the annual costs of such repairs, including all incidental expense and costs of the proceeding, and,

Fifth.—Whether the proposed district will embrace all the lands that may be benefited by the maintenance of such levee, or ditch, and if not, to report what additional lands will be so affected, which report shall be filed with the clerk of said court.

§ 10. [DISMISSAL OF PROCEEDINGS.] If the commissioners shall find that such costs, expenses and damages are more than equal to the benefits, there will be bestowed upon the land to be benefited, they shall so report, and the proceedings shall be dismissed at the cost of the petitioners.

§ 11. [SURVEYS, PROFILES, ETC.] If the commissioners shall find that the proposed work, or such portion of the same as will be satisfactory to the petitioners, can be done at a cost and expense not exceeding such benefits, they shall proceed to have the proper surveys, profiles, plans and specifications thereof made, and shall report their conclusions and a copy of such surveys, profiles, plans and specifications, to the court which appointed them.

§ 12. [ALTERATION OF PLANS.] The commissioners shall not be confined to the point of commencement, route or terminus of the drains or ditches, or to the number extent or size of the same, or the location, plan or extent of any levee, ditch or other work to that proposed by the petitioners, but shall locate, design, lay out and plan the same in such manner as they shall think will drain or protect the petitioners' land with the least damage, and greatest benefit to all lands to be effected thereby, and any plans proposed by such commissioners may, on the application of any person interested, or of the commissioners, be altered upon the order of the court, in such manner as shall appear to the court to be just.

§ 13. [FILING REPORT—NOTICE OF CONFIRMATION.] Upon the report of the commissioners being filed with the clerk of the court appointing such commissioners, he shall cause notice to be given in the same manner as is provided in section three of this chapter, which notice shall state the time of filing such report, and upon what day application will be made for the confirmation of such report, at which time all persons interested, may appear and contest the confirmation thereof, or show that the same ought to be modified in any particular, and may offer any competent evidence in support thereof.

§ 14. [CONFIRMATION—REVIEW—MODIFICATION.] If upon the hearing, the court shall be of opinion that the objections are not well taken, or if no objections shall be made, it shall order the confirmation thereof. If it shall appear that the same ought to be modified, and the court shall be sufficiently informed in the premises, it shall modify the same to conform to the equities, in the premises; or if not sufficiently informed, it shall order the commissioners to review and correct their report; and may make specific directions in what respect they

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shall reform their report; and the court may make all necessary orders in the premises, either for the continuance of the hearing or other lawful purpose.

§ 15. [ADJOURNMENT.] If the report be referred back to the commissioners for amendment, the court may fix a day when the commissioners shall again present their report, in which case the hearing shall stand adjourned to that day, and no further notice shall be required thereof. If no day shall be fixed for such report, the cause shall be continued to the next term of court, when it shall stand for hearing.

§ 16. [ORDER OF CONFIRMATION—JURY.] If after hearing all objections, if any, to the report of the commissioners, the court shall be satisfied that the said report should be approved, the court shall cause an order of confirmation of the same to be entered which order may be substantially as follows:

"County court of.....County.....Term A. D. 18..... In the matter of the petitions of.....and others. This day the report of.....commissioners heretofore appointed by this court to examine the lands of the petitioners for the purposes specified in the petition filed in this cause, having been filed, and it appearing to the court that due notice has been given to all persons interested, for the length of time, and in the manner required by law, of the application to this court for the confirmation of said report, and the court having duly examined said report and considered all objections to the same—it is ordered by the court that the report of said commissioners (or if said report has been modified by the court) say "*as modified by the court*," be and the same is hereby confirmed; and the court further finds that the work proposed in said petition to be done, will be useful for agricultural, sanitary or mining purposes to the owners of lands within said proposed district, and the court also finds that the persons who have signed said petition, are of lawful age, and are a majority of the land owners, and who represents one third in area of the land to be affected by such proposed work. And the court further finds that said drainage district is duly estarblished as provided by law.

....., County Judge."

And upon entering such order of record, said district is hereby declared by law to be organized as a drainage district by the name mentioned in said petition, and with the boundaries fixed by the order confirming the report of the said commissioners. And said district is hereby declared to be a body politic, and corporate by the name mentioned in said petition as aforesaid, with the right to sue and be sued, to adopt and use a corporate seal, and to have perpetual succession; and the commissioners appointed as aforesaid and their successors; in office shall, from the entry of such order of confirmation, constitute the corporate authorities of such drainage district, and shall exercise the functions conferred upon them by law. And thereupon the court shall empanel a jury of twelve men, having the qualifications of jurors in courts of record, who shall be sworn to faithfully and impartially perform the duties required of them to the best of their understanding and judgment, and to make their assessments of damages and

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benefits according to law, or the court may direct that a jury be empaneled before a justice of the peace for the assessment of damages and benefits, in which case the commissioners may apply to any justice of the peace in the county, who shall immediately, without the formality of any written application, proceed to summons and empanel a jury of twelve men, having the qualifications of jurors as aforesaid, who shall be sworn in the same manner as is above provided in case of a jury empaneled by the court in which the proceeding is pending, and the justice shall enter upon his docket a minute of such proceeding before him, and the names of the jurors.

§ 17. [Assessment of damages, etc.] The jurors empaneled as aforesaid shall elect one of their number foreman when the proceeding is for the construction of ditches, drains, or levees, and shall proceed to examine the lands to be affected by the proposed work, and ascertain, to the best of their ability and judgment the damages and benefits which will be sustained by or will accrue to the lands to be affected by said proposed work, and shall make out an assessment roll in which shall be set down in proper columns the names of owners when known, a description of the premises affected, in words or figures or both, as shall be most convenient, the number of acres in each tract, and if damages are allowed, the amount of the same; and if benefits are assessed, the amount of the same; and in case damages are allowed to, and benefits assessed against the same tract of land the balance, if any, shall be carried forward to a separate column for damages or benefits, as the case may be. But the amount assessed for keeping said levee, or ditch in repair, shall not in the aggregate amount to a sum in any one year, greater than would be produced by thirty cents per acre on all the lands so assessed. In case the petition shall set out that a levee or ditch, has been made under any law of this State, and prays for assessment to repair and keep in repair said levee or ditch, in the future, the jury shall assess the benefits which said lands will sustain by repairing said levee, or ditch, and also the annual amount of benefits which said lands will sustain by keeping said levee, or ditch, in repair thereafter. And in such case, no other or different assessments shall be made by the jury, but in all other respects the jury shall comply with the provisions of this act, so far as the same, may be applicable thereto.

§ 18. [Benefits.] In making such assessment, the jury shall award and assess the damages and benefits in favor of and against each tract separately, in the proportion in which such tract of land will be damaged or benefited; and in no case shall any tract of land be assessed for benefits in a greater amount than its proportionate share of the estimated cost of the work and expenses of the proceeding, nor in a greater amount than it will be benefited by the proposed work, according to the best judgment of the jury.

§ 19. [Correction of Assessment and Notice.] When the jury shall have completed their assessment of damages and benefits, they shall fix a time and place, when and where they will attend, in case the jury was empaneled by the court in which the petition was filed, before the same court at some regular term thereafter, or if the jury

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was empaneled by some justice of the peace, then before the same justice, if still in office, and if not before his successor or any other justice they may select for the correction of their assessment, and the commissioners or the jury shall give at least ten days notice of such time and place, and object of such meeting, by posting and publishing notices as required in section three of this chapter, prior to the time so fixed. The affidavit of any creditable person or persons, that he or they has or have posted such notices as herein required, and the certificate of the publishers of such newspaper, as to such publication shall be sufficient evidence of such facts.

§ 20. [HEARING OBJECTIONS.] The jury shall appear at the time and place appointed, and shall hear all objections that may be there and then made by the owners of any lands which may be allowed damages or assessed for benefits, or by the commissioners, to the allowance of damages to, or assessments of benefits against any tract of land, and shall make such corrections as shall seem to them just, and shall adjust such assessment so as to make the same just and equitable.

§ 21. [PROCEEDINGS ON HEARING.] At such hearing, if in the county court the court may compel the attendance of witnesses, and in case any juror empaneled, shall fail to appear, may attach him for contempt or may empanel another in his stead, and may at any time during the proceedings in considering or making their assessment, empanel one or more jurors in the place of any juror who may fail from any cause or refusal to act, and administer to such jurors the oath required in section sixteen (16) of this act. And if such hearing shall be before the justice of the peace he shall preside and enforce order as in other cases before justices of the peace and shall have like power as in this section conferred upon the county courts.

§ 22. [CONFIRMATION OF ASSESSMENT.] If no objection shall be made to the assessment at the time and place appointed to hear objections, or when found correct, or when corrected upon hearing, the jury shall confirm such assessment, which shall be certified by the foreman of the jury and delivered to the commissioners, who shall return the same to that court in which the said petition has been filed, within ten days from such confirmation, and the same shall stand for hearing at the next term thereafter, if the same has been filed ten days before such term; or for good cause may be continued; but if not filed ten days before such term, shall stand continued to the next term.

§ 23. [APPEAL BOND.] The commissioners, or any person who shall have made objections to such assessment may appeal from the finding of the jury, to the court in which the assessment is returned within ten days after the same shall be filed in said court, by filing with the clerk of said court his or their bond, payable to the opposite party, with such security, and in such amount, as shall be approved by the clerk, conditioned to pay all costs that may accrue by reason of such appeal, and if the appeal is by an owner of land assessed for benefits, to pay such an amount as may be found against him on account of benefits to his land by reason of such work.

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§ 24. [TRIAL ON APPEAL.] The trial upon appeal may be in the same manner as other appeals from justices of the peace, and in case the assessment of damages or benefits shall be changed from that returned to the court, the court shall cause the assessment roll to be amended to conform thereto.

§ 25. [APPEAL ETC., FROM COUNTY COURT.] When the assessment roll shall have been corrected as aforesaid, or in case no correction shall be required to be made, the court shall confirm the same and cause it to be spread upon the records, and appeals or writs of error shall be allowed therefrom, as in cases of appeals from and writs of error to the county courts in proceedings for the sale of lands for taxes or special assessments, and provided that the granting of an appeal in one or more cases or to one or more persons shall not operate to defer the confirmation of said report in other cases, but the courts may proceed to confirm said reports as to all lands where no appeal is taken, and in all appeals taken from the confirmation made by the county court, if the judgment of the county court shall be affirmed, or if upon such cause being remanded for a new trial, the judgment of said court shall be in favor of said commissioners, the county court shall order the judgment so rendered to be made a part of said confirmed report, and the assessments of benefits or damages so found shall be extended on said report and the same shall become a part thereof.

§ 26. [PAYMENTS OF BENEFITS IN INSTALLMENTS.] At the time of confirming such assessment, it shall be competent for the court to order the assessment of benefits to be paid in installments of such amounts, and at such times as will be convenient for the accomplishment of the proposed work; otherwise the whole amount of such assessment shall be payable immediately upon such confirmation, and shall be a lien upon the lands assessed, until paid. But in cases where a levee or ditch, has been heretofore built under any law of this State, or may be hereafter built under the provisions of this act, the annual assessments for keeping the same in repair, shall be due and payable on the 1st day of September, annually, and shall be a lien on the lands upon which said assessments are made, from and after the confirmation of the report. The court in which such proceedings are had shall require from said commissioners a report of the condition of the levee or ditch at its July term, of each year, together with their estimate of the amount necessary to keep the levee or ditch in repair and pay all incidental and necessary expenses for the ensuing year, and if the court shall find that a less amount will be required for such ensuing year, than the whole amount of the assessment for that year, then the court shall, by an order, fix the amount to be paid for such year, and only that amount shall be collected, and the excess of such assessment over and above the amount so fixed by said order for said year, shall be remitted by law, and shall not thereafter be collected. *Provided*, the amount to be collected under the order of said court, shall not, in the aggregate, amount in any one year to a sum greater than would be produced by a levy of 30 cents per, acre on all the lands within said district.

§ 27. [CERTIFIED COPY OF ASSESSMENT DELIVERED TO COMMISSIONERS.] Immediately after the entry of such confirmation by the court, the

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clerk shall make out and certify to the commissioners a copy of such assessment roll, and shall so make out and deliver to the commissioners separate copies of the same, pertaining to the lands situated in the different counties, which shall be recorded in the recorders office of the respective counties, in which the lands are situated, and shall be notice of the lien thereof to all persons.

§ 28. [POWER OF COMMISSIONERS TO CONTRACT.] Upon the organization of said drainage district the commissioners so appointed, shall from thenceforth, have power to contract and be contracted with, sue and be sued, plead and be impleaded, and to do and perform, in the corporate name of said district, all such acts and things as may be necessary for the accomplishment of the purposes of this act.

§ 29. [TREASURER—BOND.] The commissioners shall, after the confirmation of said assessment roll and before any collections shall have been made by them, appoint a treasurer who shall not be one of their number, who shall execute a bond to the people of the State of Illinois for the use of all persons interested, in a sum of not less than twice the amount of assessments that may be levied for one year, with such sureties as may be approved of by the judge of said court, conditioned for the faithful performance of his duties as treasurer of said drainage district, and that he will safely and faithfully account for all money that by virtue of his said office, shall come to his hands. Which said bond when approved by the court shall be kept and preserved by said commissioners, and suits may be maintained upon the same by them upon any breach of its conditions.

§ 30. [DUTIES—TERM OF OFFICE.] It shall be the duty of said treasurer to keep proper books to be furnished him by the commissioners, in which he shall keep an accurate account of all moneys received by him, and of all disbursements of the same; he shall pay out no money, except upon the order of a majority of the commissioners, and shall carefully preserve on file all orders for the payment of money given him by the commissioners, and shall turn over all books, papers, vouchers, moneys, and other property belonging to and in his hands, as such treasurer, to his successor in office. His term of office shall be two years, but he may be at any time removed by the court upon petition of a majority of the commissioners, or for good cause shown.

§ 31. [INTEREST ON INSTALLMENTS.] In case the assessments for benefits shall be payable in installments, such installments, shall draw interest at the rate of 8 per cent, per annum, from the time they shall become payable till they are paid, and such interest may be collected and enforced as part of the assessment.

§ 32. [BOND OF COMMISSIONERS.] The Commissioners appointed by virtue of this chapter shall not collect or receive any money for the purposes therein specified, until they shall have given bond payable to the people of the State of Illinois, for the use of all persons interested, in a sum not less than twice the amount of the assessment for benefits, payable in any one year, with such security as shall be approved by the Judge of the Court, conditioned for the faithful application of all moneys that may be received by them as such Commissioners, and

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to make due account thereof to the Court whenever required, which bond shall be filed in the Court in which the proceedings are had. The Court may require additional bond from time to time, or the Commissioners may if they choose appoint one of their number collector of assessments, who before entering upon the collection of such assessments shall give bond as in this section mentioned, and who after giving such bond may make such collections and give receipts for the same; and all money that may come to the hands of said Commissioners or their said collector, shall at once be paid over to their treasurer, and disbursements shall be made by order of the Commissioners, drawn upon their said treasurer, in no other manner.

§ 33. [NOTICE OF ASSESSMENT.] The Commissioners upon receiving such certified copy of such assessment roll, shall immediately cause a notice to be published for three weeks in the manner required in section three (3) of this act, in substance as follows:

Notice of Drainage Assessment.—Notice is hereby given to all persons interested, that an assessment is now due for drainage purposes for the year A. D. 18...., upon lands lying within the..... drainage district, in the county of....., and State of Illinois, and that the same must be paid to the undersigned commissioners of said drainage district on or before the.....day of....., A. D. 18.., and that in default of such payment, the several tracts of lands upon which such assessments remain unpaid, will be sold according to law to pay the amount of such assessments and costs.

.....

Commissioners of Drainage District.

§ 34. [DELINQUENT ASSESSMENTS—RETURN—SALE.] If the assessment due upon said lands shall not be paid on or before the day named in the notice given as in section 33 of this act, it shall be the duty of said commissioners, if they have not appointed a collector as aforesaid, and if so, then of said collector to make out a certified list of such delinquent lands upon which the assessments remain unpaid, and the same shall be by him or them, on or before the tenth (10th) day of March next after the same have become payable, returned to the county collector of the county or counties in which such lands shall lie, and when the same shall lie in different counties, a separate return shall be made for each county of the delinquent lands therein, and it shall be the duty of the collector to whom any such return has been made to transfer the amounts thereof from such returns to the tax books in his hands, setting down therein opposite the respective tracts or lots, in proper columns prepared for that purpose, the amount assessed against each lot, and the like proceeding shall be had and with the like force and effect in the collection of such delinquent assessments, and the sale of said lands for non-payment thereof, as in ordinary collections of State and county taxes by county collectors, and of sales of real estate by them for such non-payment and of redemptions from such sales.

§ 35. [PAYMENT BEFORE SALE.] Notwithstanding the returns of such delinquent list the said commissioners or their collector, shall be authorized to receive payment of any such delinquent assessments and

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costs, and may give receipts for the same, but shall keep a memorandum of the same, and on or before the day of sales fixed by said county collector for the sale of such lands, shall present said memorandum or list, to said county collector or collectors, for the purpose of having the same checked or marked paid on the delinquent list in his hands, and all amounts collected by the said county collector, by sales or otherwise, after deduction of his fees, shall be paid to the commissioners on demand.

§ 36. [LETTING CONTRACTS—ADVERTISING FOR BIDS.] The commissioners, when qualified in pursuance of this act, may do any and all acts that may be necessary in and about the surveying, laying out, constructing, repairing, altering, enlarging, cleaning, protecting and maintaining any drain, ditch, levee or other work for which they shall have been appointed, including all necessary bridges, crossings, embankments, protections, dams, and side drains, clearing out and removing of obstructions from natural or artificial channels or streams within or beyond the limits of the drainage district, procuring or purchasing riparian rights and water powers, by agreement with the owners thereof, and may use any money in their hands arising from assessments for that purpose: *Provided*, that in all cases where the work to be done is the construction of the principal work, the cost of which will exceed five hundred dollars, the same shall be let to the lowest responsible bidder, and the said commissioners shall advertise for sealed bids by notice published in some newspaper issued in the county in which the petition is filed, and if there be no newspaper issued or published in said county, then in the next nearest newspaper; which said notice shall particularly set out the time and place, when and where, the said sealed bids will be opened; the kind of work to be let, and the terms of payment. Said commissioners may continue the letting from time to time, if in their judgment the same shall be necessary, and may reserve the right to reject any and all bids. And said commissioners shall not, during their term of office, be interested directly or indirectly in any contract for the construction of any ditch, drain or levee, in such drainage district, nor in the wages of or supplies to men or teams employed on any such work in said district. *Provided, further*, that no levee, drain, ditch, or other work authorized to be constructed or made, under this act, shall be constructed or made in such a manner, as to destroy or impair the usefulness or prevent the public use of any bay or harbor, or body of water used as a harbor, connected with any navigable stream.

§ 37. [SUITS, ETC.—PAYMENT OF EXPENSES.] Said commissioners may use money arising from the collections of assessments, for the purpose of compromising suits and controversies arising under this act, and in the employment of all necessary agents, and attorneys, in the prosecution or defense of said operations. *Provided*, that said commissioners shall only use money under the provisions of this section, by the direction and approval of the county court.

§ 38. [POWER TO BORROW MONEY.] The commissioners may borrow money not exceeding in amount, the amount of assessment unpaid at the time of borrowing, for the construction of any work which they

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shall be authorized to construct, and may secure the same by notes or bonds bearing interest at the rate not exceeding six per cent, per annum, and not running beyond one year after the last assessment on account of which the money is borrowed, shall fall due, which notes or bonds shall not be held to make the commissioners personally liable for the money borrowed, but shall constitute a lien upon the assessment for the re-payment of the principal and interest thereof.

§ 39. [PAYMENT OF DAMAGES.] All damages over and above the benefits to any tract of land, shall be payable out of the amounts assessed against other lands for benefits, and shall be paid or tendered to the owners thereof, before the Commissioners shall be authorized to enter upon his land for the construction of any work thereupon. In case the owner is unknown, or there shall be a contest in regard to the ownership of the land or, the Commissioners cannot, for any reason, safely pay the same to the owner, they may deposit the same with the Clerk of the Court, and the Court may order the payment thereof to such party as shall appear to be entitled to the same.

§ 40. [REMOVAL OF COMMISSIONER—FILLING VACANCY.] The Court may, at any time, remove any Commissioner appointed by it, and appoint another in his place, and may fill all vacancies caused by death, resignation, removal or otherwise, and may appoint a new commissioner, or authorize the Commissioners appointed to repair or cleanse any work, ditch or drain, that shall have been constructed.

§ 41. [REPORT OF COMMISSIONERS.] The commissioners shall, as often as once in each year after their appointment, and as much oftener as the court shall require, make a report to the court by which they were appointed, showing the amount of money by them collected, and the manner in which the same is being done.

§ 42. [PAY OF COMMISSIONERS.] The Commissioners shall receive for their services the sum of two dollars per day, for each day they shall be actually engaged in the business of their appointments, such amount to be audited at least once a year by said county court, and certified to by said court to their treasurer, to be paid by him. They shall fix the compensation of said treasurer, and of all other servants and agents; and the clerk of the county court shall receive for his services hereunder, such fees as are by law allowed for similar services in that court.

§ 43. [PETITION TO BE RELIEVED OF ASSESSMENT.] Whenever a petition shall be presented to said court by the owners of any tract of land within said district, setting forth that the same or any part thereof, has been erroneously assessed for benefits, for the reason that the same is not subject to overflow, or has never been overflowed by the highest waters known, and praying that the said lands in whole or part may be released from the assessments made, or to be made in future, the court may after ten days notice of the filing of such petition being given to the commissioners, at any term of said court, proceed to hear said application, granting such continuances as may be right and proper, and if the court shall find upon issue joined, that any part of the land named in said petition, has never been overflowed

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by the highest water known from the stream against which the levee in question has been constructed, may by order to be entered of record, amend the assessment roll returned by the jury in conformity to the facts found, and such part shall thereafter be discharged from all other assessments, and the clerk shall immediately cause a copy of such order to be delivered to the commissioners, that the copy of the assessment roll in their hands, may be made to conform to such order—*Provided*, That said petition shall be filed within one year after the confirmation of the assessment and not thereafter.

§ 44. [ENTRY UPON LANDS.] The commissioners from the time of their appointment may go upon the lands lying within said district for the purpose of examining the same, and making plans, plats and surveys, and after the organization of said district, and payment or tender of compensation allowed, may go upon said lands, with their servants, teams, tools, instruments or other equipments, for the purpose of constructing such proposed work, and may forever thereafter enter upon said lands as aforesaid, for the purpose of maintaining or repairing such proposed work, doing no more damage than the necessity of the occasion may require; and the like license and authority is hereby given to the commissioners of highways in all cases, where they may be authorized to perform similar duties under this act.

§ 45. [ASSESSMENT BOOK.] When an assessment has been made as provided in the preceeding sections, and annually thereafter, it shall be the duty of the commissioners to provide suitable books, with proper headings and columns, in which shall be inserted, according to township and range the several tracts of lands against which assessments are to be carried out, the names of the owners, if known, the number of acres to be assessed, the total amounts of assessments, and for what year, and a column for payments, and if any assessments shall remain due and unpaid after the time mentioned in the notices to be given as provided in section 33 of this act, it shall be the duty of said commissioners, or of the persons appointed by them collector as aforesaid, to make a list of the lands upon which such assessment has not been paid, and deliver such list or lists to the county collector of each county, in which such lands may respectively lie, to be by him collected as heretofore provided.

§ 46. [JURISDICTION OF JUSTICES OF THE PEACE.] When the cost of any proposed drain, ditch, levee or other work authorized by this chapter to be done will not exceed the sum of five thousand dollars, and will not extend through or into more than three congressional townships, the petition may if the petitioners shall so elect, be filed with a justice of the peace in the county where the land to be affected, or the major part thereof, is situated; and all the proceedings authorized by this chapter to be had in the county court, in cases where the petition is filed in such court may be had before such justice of the peace, and the assessment of damages and benefits, shall be conducted before such justice in the same manner, as near as may be, as in cases commenced by petition before such county court. And appeals may be taken from the final judgment of the justice of the peace to the county court within the same time, and in the same manner

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as appeals may be taken from the findings of the jury in cases commenced in the county court, and the assessment of benefits may be collected and enforced as in such cases before the county court.

§ 47. [PROCEEDINGS BEFORE JUSTICE.] When the proceedings shall be had before a justice of the peace, the justice shall direct the commissioner of highways of the town or township, or in case the drain, ditch or other work shall be located in several towns or townships, the commissioners of the several townships, as a joint board, or at the election of the petitioners the justice of the peace may appoint one or more commissioners, not exceeding three, to lay out and construct such work, and perform the duties required of commissioners appointed under this chapter; and such commissioners of highways, or commissioner or commissioners so appointed as aforesaid, shall have all the power and authority and may perform all acts and shall discharge all the duties imposed upon or required of commissioners appointed by the county court; and the said commissioner or commissioners, so appointed by the justice of the peace as aforesaid, shall receive for their services, the same compensation as is herein provided to be paid to commissioners appointed by the county court.

§ 48. [REFUSAL, ETC., TO PERFORM DUTY.] If any commissioner of highways shall refuse or neglect to discharge any of the duties imposed upon him, by virtue of this act, he shall, for every such refusal or neglect, be liable to any party aggrieved, for all damages sustained by him, and upon conviction, may be fined in any sum not exceeding one hundred dollars, and be removed from his office.

§ 49. [NO SECOND TAX—ALLOWANCE FOR PRIVATE DRAINS, ETC.—ASSESSMENT AGAINST RAILROADS, ETC.] When a ditch or drain has been located under the provisions of this act, of sufficient capacity to carry off the water that flows to it, and also to properly drain the land taxed for the construction of the same, such lands shall not be again taxed or assessed for the benefit of improving any lands lying above the lands taxed for the construction thereof; and in all cases where any such ditch empties into any lower ditch above described, for the benefit of lands lying above the lower ditch, the commissioners under the direction of the court, shall levy a sufficient tax on such land benefited by the new ditch, to enlarge such lower ditch so as to confine the water to the same level that it originally had before an additional amount of water emptied into such lower ditch, for the benefit of lands lying above the lower ditch. Whenever it shall appear to the jury that a drain, ditch, levee or other work has been in whole or in part constructed by voluntary effort of the owners thereof, for the purpose of draining or protecting any land to be affected by the work proposed under this act, and said work shall be found to be of benefit to such lands, and that any of the lands to be benefited by the said work, have borne any part of the expense of such work so voluntarily done, the jury may allow to the owners of such land, and deduct from the assessment which they may make against the same, the amount of the expense of such work so borne by such lands, or such part thereof as will make an equality of burdens and benefits, as between the several owners of lands benefited. When a ditch, drain or levee

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established under this act, drains or levees either in whole or in part, any public or corporate road or railroad so as to benefit any of such roads, so that the road bed or traveled track of such road will be improved by the construction of said ditch, drain or levee, the commissioners shall apportion to the county, state, or free turnpike road to the township—if a township road—to the company if a corporate road or railroad such portions of the cost and expenses thereof, as to private individuals, and require them to pay such cost and perform such labor in like manner as individuals, and in case there is a disagreement of such assessments the same must be determined by the courts as in other cases.

§ 50. [COMMISSIONERS OF HIGHWAYS TO ACT.] The commissioners of highways shall have power to locate and establish drains to be constructed and maintained at the cost of parties petitioning therefor, as hereinafter provided, and for the purpose aforesaid, said commissioners shall be ex-officio drainage commissioners within their respective districts, but in all their proceedings hereunder, they may act by their official title, "Commissioner of Highways."

§ 51. [PRIVATE DRAIN—PETITION TO CROSS ADJOINING LAND.] Whenever the owner or owners of any lands or lots at his or their own cost, shall desire to locate and construct a drain leading from lands or lots owned by them severally or jointly, or shall desire permanently to establish any drain, which may have been heretofore located and constructed, or which may hereafter be located and constructed, and which said drain or drains, so desired to be located or established, shall lead across or upon the land of another person or persons, and such owner or owners so desiring to construct or establish such drain, cannot obtain the consent of the owner or owners of said land, across or upon which drain is sought to be located, or, if already constructed, sought to be established as a permanent drain to the location and construction, or establishment of such drain, such owner or owners may petition the commissioners of highways of the town, in writing, which said petition shall set forth a description of the premises, or land or lands, across or upon which said drain is proposed to be located or established, the names of the owners, if known, of the lands, and if not known, it shall be so stated, across or upon which said drain is to pass or does pass, the points at or near which it is to commence or enter upon said lands, or does so enter or commence, its general course and distance, and the place at or near which it is to terminate on, or pass from said lands, or does so terminate or pass from said lands. Said petition shall also set forth whether said drain is to be constructed or established as an open ditch or a covered boxed or tile drain. If an open ditch, the width shall be specified.

§ 52. [NOTICE OF HEARING PETITION.] Whenever the Commissioners of Highways shall receive any such petition, they shall fix upon a time when and where they will meet to examine the location and route of such drain, and to hear reasons for or against the location, construction or establishment of the same, and they shall give at least ten days notice of the time and place of such meeting by

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posting up notices thereof, in three of the most public places in the vicinity of said drain, so proposed to be located or established. If there shall be an occupant residing upon the land, such occupant shall have notice thereof by leaving a copy of such notice at his place of residence, with such occupant or any member of his family, at least three days before the time of said meeting.

§ 53. [HEARING—PROOF OF NOTICE.] The commissioners, or any of them who may meet, may, by public announcement, and by the posting of a notice at the time and place named for the first meeting, adjourn the meeting from time to time, but not for a longer period than ten days in all; and shall, at such first or such adjourned meeting within ten days, the notices, herein required, having been given, and all reasons for and against the said drain having been heard and considered, decide and publicly announce whether they will grant or refuse the prayer of the petitioner, and shall indorse upon or annex to the petition a brief memorandum of such decision, to be signed by the commissioners; and they shall file the said petition with their determination thereon, in the office of the town clerk within five days thereafter; the posting of any notice required by this act may be proved by the affidavit of the person posting the same, or by other legal evidence.

§ 54. [POWER OF COMMISSIONERS OF HEARING—REPORT.] The commissioners, in considering their action, under said petition, shall consider whether any change of the beginning point, route or terminus of said drain, across or upon the lands aforesaid, and viewed by them, or change of the construction thereof, from an open to a covered drain, or the reverse, would be preferable to that prayed for in the petition, and if they decide that such change would be preferable, and would be for the advantage of the parties interested, they shall have power to make such alterations, either in the location, route or terminus of said drain, or of the mode of its construction, or width thereof, and if they decide to grant the prayer of the petitioners for the drain, as they may so alter or change the same, they shall specify either on the back of said petition or some paper to be annexed thereto and signed by them, what alterations or changes they have made in the location, route, width or mode of constructing said drain, and that as altered and changed by them, they have located or established, as the case may be, the said drain, and return their determination and decision as provided in the preceeding section. Whether said drain be approved as prayed, or be approved as changed, by the commissioners, they shall accompany their report and order touching the same, with a survey and plat thereof as approved and located. The return so made shall be held to be an order locating or establishing the said drain, and, with the petitions thereon, shall be recorded by the town clerk, and the record so made shall be evidence thereafter that all preliminary requirements thereto were duly performed.

§ 55. [PROCEEDINGS TO PROCURE RIGHT OF WAY.] If the petitioner or petitioners shall desire to construct or establish the drain as finally approved of and decided by the said highway commissioners, and shall be unable to obtain the consent of the owner or owners of the land

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across or upon which said drain may have been located, as established as aforesaid, to the location and establishment thereof as approved by said commissioners of highways, and shall be unable to obtain a release of damages by reason of the location and construction thereof, or to agree with said owner in respect of the damages, such petitioner or petitioners may, at any time within twelve months from the time of filing the determination of the highway commissioners in the town clerks office, file with any justice of the peace of the township in which such lands are situated, a copy of the record from the town clerks office, containing the petition for such drain, and the decision of the highway commissioners thereon, and shall also file an affidavit setting forth the name or names of the owner or owners of the lands, if known, and if unknown stating the fact, across or upon which said drain is to be located or established, and stating whether said owner or owners or any of them, and which of them, are residents of the county, if known to be such residents.

§ 56. [JURY TO ASSESS DAMAGES—SUMMONS, ETC., TO OWNER.] Upon the filing of such affidavit and copy of record as aforesaid, it shall be the duty of said justice to issue a summons for a jury, to any constable of said county directing him to summons twelve men, having the qualifications of jurors, to appear before him at such time and place as may be designated, to assess, the damages, if any, which the owner or owners of the land will sustain, describing the land upon or across which said drain is located, by reason of the location and construction, or the establishment of a drain thereon, as determined by the highway commissioners of said town, and said summons shall also contain a clause directing the constable to summon such person or persons as are named in said affidavit as resident owners in the county, to appear at the time and place aforesaid. Such summons shall be served by the constable upon the person or persons named as owners in said affidavit, at least three days before the time of trial fixed therein; if it shall appear that any of said owners are unknown or non-resident, said justice of the peace shall, at the same time, make out a general notice, in writing, addressed to all persons interested, which shall set forth that the commissioners of highways of said town have located or established, as the case may be, a drain upon the lands, describing the lands, and that the damages, if any, occasioned thereby, to the owner or owners of said lands, will be assessed by a jury before said justice of the peace, at the time and place fixed by said justice in the summons, naming the time and place, when and where any owner of said land, or person interested therein, can attend and make defense therein. Three copies of the notice aforesaid shall be delivered by the justice to the constable to whom the summons aforesaid shall have been delivered, and the copies aforesaid shall be posted by the constable, in three of the most public places in the neighborhood of said drain.

§ 57. [RETURN BY CONSTABLE—CONTINUANCE.] The said constable at the time he makes return of the summons so delivered to him, shall also return the original of the notice delivered to him, by the Justice, of which, copies were to be posted as directed and shall make a return thereon, certifying when and where said notices were posted by

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him; and unless it shall appear therefrom that said notices were posted for at least five (5) days before the time fixed for said trial, said Justice shall continue the trial until five (5) days shall have elapsed from the posting of said notices, and the justice shall make an order continuing the case. If it shall appear by the return of the Constable, on the day of trial, that all resident owners have been served as required, and there shall appear to be no unknown or non-resident owners, or if there be unknown or non-resident owners and it shall, by the return of the Constable appear that they have been notified as required by the posting of notices as required, then the Justice shall empanel a jury who shall proceed to assess the damages, if any, to the owners, occasioned by such drain. But unless such summons shall have been served as required, or said notices shall have been posted as required, in case there be non-residents or unknown owners, then said Justice shall continue the case to a future day fixed, of which the owners respectively, so required to be notified, shall have notice in the manner before required, and said justice, for any good reason, may continue said cause from time to time until there shall have been a final trial and verdict in the cause.

§ 58. [TRIAL—VERDICT.] At the time fixed by the justice for the trial of said cause, either originally or at any adjournment of said trial, if it shall appear that the owners have been notified or summoned, as required herein, the justice shall empanel a jury, who shall be sworn or affirmed by such justice, faithfully and impartially to assess the damage occasioned the owner or owners of said land or lands, by reason of the drain aforesaid, over and above benefits to the owner or owners thereof, according to their best judgment and understanding. The jury in considering of the damages, shall also take into consideration any benefits directly resulting to such owners, whose damages are to be assessed from the construction or establishment of such drain. If they find such benefits equal to or exceeding the damages, they shall return their verdict accordingly. If they find the damages exceed the benefits, they shall return as their verdict of damages the amount of such excess only as damages.

§ 59. [WITNESSES—JURY MAY VISIT LAND—COSTS.] All parties in interest may appear before such justice and jury, and have process of subpœna to summon witnesses, and said jury shall hear such lawful evidence touching the question of said damages as may be presented to them, and at the request of the owner or owners of the land, or of the petitioner or petitioners for said drain, shall visit and examine the proposed drain, and the lands to be affected thereby; and they shall make a written verdict specifying what damages, if any, the owner, or each owner, as the case may be, shall recover and return the same to the justice, to be by him entered on his docket in the nature of a judgment, to be paid by such petitioner or petitioners, together with all costs of suit, before said petitioners shall enter upon the construction of said drain, or, in the case of an existing drain, before any right in said drain shall be considered as established. The costs of said proceeding shall be paid by the petitioners and an execution may issue therefor; but the justice shall not tax as costs against the petitioners, the costs of witnesses, or the costs of their service by the

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officer, when he shall deem their testimony to have been unnecessary. The party making such unnecessary costs shall pay the same; and a fee bill may be issued by such justice to collect the same.

§ 60. [APPEAL—BOND.] Either party to said proceedings, may appeal from the verdict and judgment so rendered, to the county court within twenty (20) days thereafter, upon giving bond and security to the opposite party to be approved by the justice, in a penalty sufficient to cover all costs, and which shall be conditioned to pay all costs of said appeal in the county court in case of the affirmance of said verdict and judgment in said court, or the dismissal of said appeal. The practice in regard to such appeals shall be the same as in ordinary cases of appeal from justices to the circuit or county court. The judgments of the court on the trial or dismissal of said appeal, shall have the same force and effect as judgments in other cases.

§ 61. [PROCEEDINGS ON APPEAL.] If said appeal shall be dismissed, or if upon the trial thereof the verdict and judgment before the justice shall be affirmed, the party appealing shall pay all costs of said appeal, but if upon the trial of said appeal the verdict and judgment before the justice should not be sustained, the party appealing shall recover the costs of said appeal. *Provided however* that in case of the partial reversal only of the verdict and judgment below, the court shall have power to apportion the costs of the appeal between the the parties and to direct how the said costs shall be taxed.

§ 62. [RIGHTS ESTABLISHED.] The petitioner or petitioners upon payment of the damages, as finally assessed, and of such costs, as he or they may be required to pay, or if no damages shall be assessed, then upon payment of such costs only as he or they may be required to pay, shall have the right to construct and maintain, or maintain, as the case may be, the drain as located by the highway commissioners, upon or across the lands specified, and shall have right of entry upon said lands for the purpose aforesaid, and the right in perpetuity thereafter, to enter upon said lands at all proper times and seasons, for the purpose of repairing, cleansing, opening or deepening the said drain, doing as little damage to the owner or owners as practicable, and the rights aforesaid, and to the maintenance of the casement of said drain, shall pass to the heirs and assigns of such petitioner or petitioners, who may successively become the owner or owners of the land or lands, for the benefit or drainage of which said drain may have been constructed or established, as the case may be.

IN COUNTIES NOT UNDER TOWNSHIP ORGANIZATION.

§ 63. [JURISDICTION OF COUNTY COURTS.] In counties not under township organization, the county courts shall have jurisdiction and power to locate and establish drains, which are to be constructed at the cost of the parties petitioning for the same.

§ 64. [PETITIONS, ETC.] The proceedings on the part of owners of lands or lots desiring to locate and construct, or to establish any drain already constructed upon or across the lands of others, with respect to the petitioning and giving notice, shall be the same as in counties under township organization, except that the petition shall be addressed to the county judge.

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§ 65. [COURT TO APPOINT VIEWERS—REPORT—HEARING OBJECTIONS.] When the petition shall be presented to the county judge, with proof of notice having been given, or served, as required in cases arising under township organization, if the county judge, after hearing objections to such petition, if any, shall think objections to said petition untenable, he shall appoint three disinterested freeholders to view the ground, location and route of said proposed or existing drain, and if said viewers, or a majority of them, shall be of opinion that the prayer of said petitioner or petitioners should be granted, they shall cause a plat and survey thereof to be made by a competent surveyor, who shall report such survey and plat, giving, courses and distances, and specifying the land across or upon which said drain is located or established. The viewers so appointed shall have the same right to change, alter the beginning point, route, terminus, or mode of construction of said drain, as is provided in the case of highway commissioners, when acting on similar petitions and they shall cause the plat and survey thereof in case of change to be made as so altered. The report of the viewers as finally approved by them shall be filed in the office of the county clerk, and upon the filing of the same the court shall make an order of record, fixing a day, not less than ten nor more than twenty days from the filing of such report, when it will hear all objections to said report. On the day fixed for hearing objections, if any objections are made, the Court shall hear the same, and shall hear all admissable testimony in regard thereto. The Court may, for any good reason, continue or adjourn the said cause to a future day to be fixed by its order, and if upon the final hearing, said Court shall be of opinion that said drain is beneficial to the party or parties petitioning for the same, and can be constructed or established without greatly damaging the owner or owners of lands across or upon which the same is located, it shall make an order establishing the same: *Provided*, that if any owner or owners of land across or upon which said drain is located or established, shall not release the damages arising from the construction or establishment of such drain, the same shall not be constructed or held as established until the damages as to such owner shall have been ascertained by a jury as provided in proceedings to ascertain damages in similar cases in counties under township organization, by this act; except that the jury in such cases shall be empaneled in the County Court. When such damages are paid, or are released by the owner or owners or by the party or parties desiring such drain, or in case no damages are found they shall have all the rights secured to parties petitioning in similar cases, in counties under township organization.

§ 66. [PENALTY FOR INJURING, ETC., ANY DRAIN.] Any person who shall wrongfully and purposely fill up, cut, injure, destroy, or in any manner impair the usefulness of any drain, ditch or other work, constructed under this chapter, or heretofore constructed under any law of this State, or that may have been heretofore or may hereafter be voluntarily constructed for the purposes of drainage or protection against overflow, may be fined in any sum not exceeding two hundred dollars, to be recovered before a justice of the peace in the proper county, or if the injury be to any levee whereby lands shall be overflowed, he may, on conviction in any court of competent jurisdiction,

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be fined in any sum not exceeding five thousand dollars; and shall be deemed guilty of a felony and imprisoned in the State penitentiary for a term of not less than one, nor more than five years, at the discretion of the court. All complaints under this section shall be in the name of the people of the State of Illinois, and all fines, when collected, shall be paid over to the proper Commissioners, to be used for the work so injured.

§ 67. [LIABLE FOR DAMAGES.] In addition to the penalties provided in the preceding section, the person so wrongfully and purposely filling up, cutting, injuring, destroying or impairing the usefulness, of any such drain, ditch, levee or other work, by obstructing or filling up of any natural stream, or outlet, within or beyond the drainage district, shall be liable to the commissioners having charge thereof, for all damages occasioned to such work, and to the owners and occupants of land for all damages that may result to them by such wrongful act, which may be recovered before a justice of the peace, if within his jurisdiction, or before any court of competent jurisdiction.

§ 68. [ACT CONSTRUED.] This act shall not be construed to repeal or interfere with any other law on the subject of drainage passed by this or any subsequent General Assembly.

§ 69. [REPEAL.] The following acts are hereby repealed: "An act to provide for the construction and protection of drains, ditches, levees and other works," approved April 24, 1871; "An act to provide for the registration of drainage and levee bonds and to secure the payment of the same," approved April 9, 1872. But the repeal of said acts shall not affect any suits that may be pending or any rights that may have accrued at the time this act shall take effect.

§ 70. [EMERGENCY.] WHEREAS, there is no law now in force, providing for the construction of drains, ditches and levees, by special assessment, therefore an emergency exists, and this act shall be in force from and after its passage.

APPROVED May 29th, 1879.

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CONSTRUCTION, MAINTENANCE AND REPAIRS OF DRAINS AND DITCHES BY SPECIAL ASSESSMENT.

§ 1. Drainage commissioners.
§ 2. Clerk of commissioners—duties.
§ 3. Drainage district—how organized—petition.
§ 4. Filing petition—notice of meeting.
§ 5. Hearing—evidence—finding.
§ 6. Dismissal of petition—costs.
§ 7. Written statement of finding.
§ 8. Adjournment—examination of land—plat, etc.
§ 9. Organization of drainage district.
§ 10. Commissioners to locate proposed work—maps.
§ 11. Right of way—damages.
§ 12. Damages assessed by jury—venire—notice to owners.
§ 13. Trial—verdict—transcript to be filed.
§ 14. Viewing land—benefits ascertained—assessment.
§ 15. Former ditch may be utilized.
§ 16. Notice of meeting to hear objections.
§ 17. Proof of notice.
§ 18 Assessment—correction—confirmation—appeal.
§ 19. Summons to supervisors to hear appeal.
§ 20. Hearing—judgment—appeal to county court.
§ 21. Hearing appeal—costs.
§ 22. Appeal not to delay, etc.
§ 23. Assessment—when payable.
§ 24. Copy of assessment certified to treasurer.
§ 25. Treasurer to keep books.
§ 26. Division of work—letting contract.
§ 27. Notice of letting—advertising for bids.
§ 28. Assessment paid in labor.
§ 29. Payment of damages, right of way, etc.
§ 30. Suits, etc.
§ 31. Entry upon lands.
§ 32. Additional assessment.
§ 33. Bridges and culverts—how paid for.
§ 34. Sub-districts.
§ 35. Not to prevent other drainage.
§ 36. Penalty for injury, etc.
§ 37. Action for damages.
§ 38 Keeping drains, etc, in order.
§ 39. Penalty for failure to perform duty.
§ 40. Delinquent list—sale.
§ 41. Delinquent tax before sale.
§ 42. Collector of delinquent assessment to give bond.
§ 43. Drainage commissioners.
§ 44. Petition to form district.
§ 45. Meeting of commissioners—procedure.
§ 46. Appeals.
§ 47. Lands lying in two counties—procedure.
§ 48 Appeals—how taken.
§ 49. How formed—petition, etc.
§ 50. Hearing on petition.
§ 51. Proceedings on hearing—commissioners.
§ 52. Corporate name—powers.
§ 53. Notice of election.
§ 54. Election—commissioners—terms of office.
§ 55. Oath—bond—treasurer—bond—duties.
§ 56. Duties of commissioners.
§ 57. Appeals.
§ 58. Power to borrow money.
§ 59. Who to be treasurer.
§ 60. Meaning of ditch.
§ 61. Opening drains through lands of another.
§ 62. Notice to adjoining owner.
§ 63. Assent by adjoining owner.
§ 64. Assent to be recorded.
§ 65. When owner does not consent.
§ 66. Drainage commissioners may act.
§ 67. Proceedings for right of way.
§ 68. Fees.
§ 69. Act not to affect prior laws

CONSTRUCTION, MAINTENANCE AND REPAIR OF DRAINS AND DITCHES BY SPECIAL ASSESSMENT.

AN ACT *to provide for the organization of Drainage Districts and to provide for the construction, maintenance and repair of drains, and ditches, by special assessments on the property benefited thereby. Approved May* 29, 1879. *In force July* 1, 1879.

SECTION 1. [DRAINAGE COMMISSIONERS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the Commissioners of Highways in every township in the several counties under township organization, in this State, shall be the Drainage Commissioners in and for their respective townships and as such shall be a body politic and corporate, and be the corporate authorities of all drainage districts within their townships, may sue and be sued, and exercise all the powers and perform all the duties hereinafter set forth. In all legal proceedings begun and carried on under the provisions of this act, their corporate name shall be the Drainage Commissioners of (name of township) township, (name of county) county, and State of Illinois.

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§ 2. [CLERK OF COMMISSIONERS—DUTIES.] The town clerk shall be the clerk of the drainage commissioners, he shall be the custodian of all papers and records pertaining to drainage matters in his township, and shall keep in a well bound book to be known as the Drainage Record, a record of the proceedings of the commissioners, and shall enter at length therein, all the findings and orders of the commissioners pertaining to the subject of drainage.

§ 3. [DRAINAGE DISTRICT—HOW ORGANIZED—PETITION.] The following proceedings shall be taken for the purpose of organizing a drainage district. A petition shall be presented to the town clerk, signed by a majority in number of the adult owners of lands lying in said proposed district, and they shall be the owners in the aggregate of more than one-third of the lands lying in said district, setting forth the boundaries of said district, giving the numbers of sections or fractional parts thereof. Said petition shall state that the lands lying within the boundaries of said proposed district require a combined system of drainage or protection from overflow; that the petitioners desire that a drainage district may be organized embracing the lands therein mentioned, for the purpose of constructing, repairing or maintaining a drain or drains, ditch or ditches, within said district, for agricultural, sanitary or mining purposes, by special assessments upon the property benefited thereby. Said petition shall be accompanied by a bond to the drainage commissioners, signed by at least two responsible persons, conditioned for the payment of all costs occasioned by said proceedings, in case said district shall not be organized.

§ 4. [FILING PETITION—NOTICE OF MEETING.] It shall be the duty of the town clerk to file said petition in his office, and he shall within five days after the filing of said petition, give notice in writing to each of the commissioners of highways of such town, of the filing of such petition, and shall give notice by posting written or printed notices, in at least six public places in said township, that a meeting of the drainage commissioners will be held at such place and time, as the commissioners may decide upon, not less than eight days nor more than fifteen days from the date of said notice, for the purpose of organizing said drainage district. He shall also file a copy of said notice in his office.

§ 5. [HEARING—EVIDENCE—FINDING.] It shall be the duty of the drainage commissioners to meet at the time and place mentioned in said notice, and the clerk shall lay before them the said petition and all other papers in the case, and they shall thereupon proceed to ascertain whether the said petition contains the signatures of a majority of the adult persons owning land in said district, and if they are the owners of more than one-third of the land situate in said district; and the affidavits of two or more credible signers of said petition that they have examined the same, are acquainted with the locality of the district, and that they believe that said petition is signed by a majority of the adult owners of land in said district, and that said signers are the owners of more than one-third of the lands in said district, the same may be taken as *prima facie* evidence of the facts set forth in said petition as against the owners of lands in said district, and as con-

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clusive evidence against all persons signing said petition, that they have accepted the provisions of this act as to the assessments of benefits and damages hereunder. At such meeting, any other owners of land within said district shall be permitted to place their names on said petition, if they so desire. Any person owning land in said district, whose name does not appear on said petition, may, at said time and place, appear and controvert any material statement in said petition; and any person who has signed said petition may deny or withdraw his signature thereto, on payment of his proportion of costs incurred to that date, and for the purposes of such hearing, the said officers shall have full power to administer oaths to and examine all witnesses produced, and shall decide all such controverted questions at such time and place, and make a written statement of their finding, to be filed with the papers in the case.

§ 6. [DISMISSAL OF PETITION.] If the commissioners shall find that the petition has not been signed by a majority of the adult owners of land situated in said proposed district, or that the signers of said petition do not own more than one-third of the lands in said district, they shall so decide, and the petition shall be dismissed at the cost of the petitioners, which costs shall be apportioned among the petitioners according to acreage of their lands respectively situated in said district. But such apportionment shall not prevent the commissioners from collecting such costs from the sureties required in section three of this act.

§ 7. [WRITTEN STATEMENT OF FINDING.] If the commissioners shall find that the petition is signed by a majority of the adult persons owning lands in said proposed district, and that the signers own more than one-third of the lands situated therein, they shall so decide, and shall make a written statement of their finding, and shall file said statement with the other papers in the case, and the clerk shall enter the same in his record; *Provided*, that if the commissioners shall fail to complete their investigations on the day of meeting, they may adjourn to another day, not more than three days from such first day, and may, for good cause shown, again adjourn in like manner, until such investigation is concluded.

§ 8. [ADJOURNMENT—EXAMINATION OF LAND—PLAT—ESTIMATES.] If the commissioners shall find in favor of the petitioners, as set forth in the last preceding section, they shall then adjourn their meeting to a time not less than eight days nor more than fifteen days, of which time the clerk shall give notice. The commissioners shall, in the meantime, go upon the lands included in the proposed district, and personally examine the same; and they shall have power to employ a competent civil engineer, if in their opinion the services of an engineer be necessary, who shall thereupon, proceed to make such survey and estimates as the said commissioners may direct, and shall make and return to the said commissioners a map or plat of his survey, and a full report of all estimates so required of him.

§ 9. [ORGANIZATION OF DRAINAGE DISTRICT.] At the time appointed for the adjourned meeting, the commissioners shall meet and examine the map and report of the engineer, if any engineer shall have been

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employed and if, from their own examination and said map and report if any there be, it shall appear that the lands included in the proposed district will be benefited for agricultural, sanitary or mining purposes by the construction of a drain, or a combined system of drainage, they shall so find; unless they shall find from the evidence of witnesses then introduced that the cost of the proposed work will exceed the benefits to be derived therefrom. And should they find in favor of the petitioners, or should a two-thirds ($\frac{2}{3}$) majority of the owners of land, owning more than one-half ($\frac{1}{2}$) of the lands lying in said proposed district, still desire the formation of said district, and such desire shall be evidenced by a failure to withdraw their signatures from the petition, the commissioners shall enter on their record an order in writing organizing said drainage district, and such district shall thereupon be declared fully organized. Each district shall be designated by a number, as District No. . . , in . . . township, . . county, and State of Illinois.

§ 10. [COMMISSIONERS TO LOCATE PROPOSED WORK—MAPS.] Upon the organization of any drainage district as above provided, it shall be the duty of the commissioners to go upon the lands included in such district, and locate the work proposed to be constructed, repaired or maintained, and shall make or cause to be made a map or plat of the work necessary to be done, which map, shall be signed by the commissioners or a majority of them and shall be recorded in the Drainage Record.

§ 11. [RIGHT OF WAY—DAMAGES.] The commissioners shall then proceed to procure the right of way for said work from the owners of the land upon which the same may pass, so far as they can do so by agreement with said owners, which release or releases of right of way shall be in writing, and shall be a perpetual bar to all claims for damages by the grantor or grantors or their assigns, on account of the construction of such work. Such release or releases shall be filed in the town clerk's office, and he shall cause the same to be recorded in the office of the recorder of deeds in and for the county in which said lands are situated: *Provided*, that should the commissioners be compelled to pay damages for the right of way in any lands over which any work may run by virtue of the finding of a jury called to assess damages, as hereinafter provided, that then and in that case they shall allow damages equitably to other owners of lands through which such work may be located, notwithstanding such owners may have released such right of way without adequate compensation.

§ 12. [DAMAGES ASSESSED BY JURY—VENIRE—NOTICE TO OWNERS.] Should the Commissioners be unable to procure the right of way by agreement with the owner or owners of any lands over which the work may be located, they shall file a statement in writing with some justice of the peace in the vicinity, requesting him to issue a *venire* for a jury to assess the damages in such case or cases; and it shall thereupon be the duty of the justice to issue a *venire* for a jury of six disinterested freeholders, to appear at his office at a day and hour therein named, not less than five nor more than eight days therefrom, for the purpose of assessing the damages in the case or

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cases mentioned. The justice shall at the same time cause a notice or notices in writing to be served upon the owner or owners of the lands in question, informing him or them of the time and place when the said case or cases will be tried. Said notices may be substantially in the following form:

To A. B. . . . You are hereby notified that a jury has been called to meet at my office in . . township . . county, on the . . day . . of . . A. D. 18 . . at . . o'clock, . . M., for the purpose of assessing damages in the matter of the Drainage Commissioners of . . . township . . county, against you; when and where you can appear and assert your rights in the premises if you desire.

C. S.....J. P.

Said notice shall be served by a constable in the same manner and with like effect as process in civil cases, and his return thereon shall show the manner such service was made, and for such service he shall be allowed the same fees as for service of process in civil cases: *Provided*, that where it shall be made to appear that any of such owners are non-resident, unknown, or minors, notice of such proceeding shall be given by publication in some newspaper published in said county, for two successive weeks prior to the time of such hearing, which notice shall be substantially in the form given above: *Provided, further* that in any case where the commissioners certify that the damages will probably exceed two hundred dollars ($200), the proceedings shall be begun in the county court.

§ 13. [TRIAL—VERDICT—TRANSCRIPT TO BE FILED.] When the jury shall appear, as provided in the foregoing section, the trial shall be conducted as other cases before a justice of the peace, or county court, as the case may be; either party may have the same number of challenges and for the same causes as in other cases before justices of the peace, or the county court, as the case may be. The jury shall hear the evidence offered in the case as to the value of the land proposed to be taken, and all damages consequent upon the construction of the proposed work; and may go upon the premises for the purpose of viewing them, and they shall return as their verdict the amount of damages found, if any, in favor of the owner or owners, and against the commissioners, and the justice of the peace, or county judge, shall enter judgment for the amount of such verdict, which judgment shall be final and conclusive. Vacancies in the panel of jurors shall be filled the same as vacancies in other cases, but vacancies shall in all cases be filled by freeholders, and the same jury shall hear and determine all cases for which the *venire* was issued, and shall return separate verdicts as to each owner or joint owners. And the justice or judge shall thereupon file in the office of the clerk of the drainage commissioners a certified transcript of the proceedings before him in each case.

§ 14. [COMMISSIONERS TO VIEW LANDS—BENEFITS ASCERTAINED—ASSESSMENT.] At the earliest practicable day after the organization of the district, the commissioners shall proceed to view the line or lines of the proposed work and determine the cost of the same, and shall

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view the lands to be benefited thereby, and ascertain, to the best of their judgment, the amount of the benefits which will accrue to each tract of land to be affected thereby, and shall assess to each tract of land its proportionate share of the entire cost of such work; but in no event shall any tract of land be assessed for benefits in a greater amount than its proportionate share of the estimated cost of the work and all expenses of proceedings, nor in a greater amount than it will be benefited by the proposed work according to the best judgment of the commissioners; and they shall make out and file in the office of the town clerk an assessment roll, in which shall be set down in proper columns the names of the owners, when known and when unknown, stating "unknown," a description of the premises affected, in words or figures, or both, as shall be most convenient; the number of acres in each tract, the amount of land taken from such tract, and the value thereof; and if damages are allowed, the amount of the same; and if benefits are assessed, the amount of the same; and in case damages are allowed to and benefits assessed against the same tract of land, the balance, if any, shall be carried forward to a separate column for damages or benefits, as the case may be.

§ 15. [FORMER DITCH MAY BE UTILIZED.] When it shall appear to the commissioners that a drain, or ditch has been, in whole or in part, previously constructed for the purpose of draining or protecting from overflow any land to be affected by the work proposed under this act, and such original work can be advantageously utilized, they may estimate the value of such old ditch, and allow the owner such part thereof as will make an equality of burdens and benefits as between the several owners of lands in the said district.

§ 16. [NOTICE OF MEETING TO HEAR OBJECTIONS.] The commissioners shall cause to be personally served upon all parties owning land to be affected by the proposed work, and residing in the county, a written or printed notice of the time when and place where they will meet to hear any and all objections that may be made to their special assessments for benefits, and shall cause to be sent, by mail, such notice to all owners who do not reside in the county, whose land is to be affected, in case their post-office address is known to petitioners, or any of them, or can be ascertained by use of reasonable diligence; and in case the land of any non-resident or minor is to be affected, then publication shall be made in some newspaper published in said county, for three successive weeks prior to the time of such hearing.

§ 17. [PROOF OF NOTICE.] The affidavit of any credible person or persons that he has or they have posted such notices hereinbefore required, and the certificate of the publishers of such newspaper as to such publication, shall be sufficient evidence of such facts.

§ 18. [ASSESSMENT—CORRECTION—CONFIRMATION—APPEAL TO SUPERVISORS—BOND.] At the time of meeting for hearing objections to the special assessments made by the commissioners, they shall hear whatever objections may be urged by any person interested, to any special assessment made by the commissioners, and if satisfied that any injustice has been done in any special assessment, they shall correct the same in accordance with justice and the right of the matter; but

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if not so satisfied, they shall confirm the assessment as originally made, and enter an order to that effect. Any person appearing and urging objections, who is not satisfied with the decision of the commissioners in confirming a special assessment against his lands, may appeal from the decision of the commissioners to three supervisors of the county, within ten days after the decision of the commissioners has been rendered, by filing with the town clerk a bond, with security, in double the amount of the assessment, payable to the commissioners, conditioned for the payment of the assessment and all costs occasioned by the appeal, in case said assessment shall be affirmed.

§ 19. [SUMMONS TO SUPERVISORS TO HEAR APPEAL.] It shall be the duty of the town clerk to summon three supervisors of the county living nearest the office of the town clerk, but outside his township, to meet at his office at a time not more than ten days from the filing of the appeal bond for the purpose of hearing any appeal or appeals that may be taken from the decision of the commissioners. Should any of said supervisors fail to appear at the time named, the clerk may adjourn said meeting for a period not exceeding five days, and summon another supervisor or supervisors to fill the vacancy or vacancies.

§ 20. [HEARING—JUDGMENT—APPEAL TO COUNTY COURT.] Whenever the supervisors summoned to hear appeals shall all appear as hereinbefore provided, it shall be the duty of the town clerk to lay before them the assessment roll, and they shall examine the same, and may hear testimony in support of such assessment appealed from and in opposition to the same, and may, if they deem it necessary, visit the lands upon which assessments have been made. Should the supervisors, after hearing the case, affirm the action of the commissioners, they shall file with the clerk their decision to that effect. Should they deem the assessment excessive, they may enter an order remitting such portion of such assessment as they deem in excess of right; or should they deem the assessment wholly erroneous they may wholly annul the same; and the clerk shall correct the assessment roll in accordance with the decision of the supervisors: *Provided*, that either party aggrieved by the decision of the supervisors may appeal to the county court by filing bond in the county clerk's office within ten days from the time when the supervisors render their decision, the party against whose land an assessment has been made shall appeal only, on the ground that such assessment is greater in amount than the benefits accruing to said lands by the construction of the proposed work. Should the commissioners appeal they may do so without giving bond. Should the person against whose lands an assessment has been made appeal, the bond shall be conditioned for the payment of whatever judgment shall be rendered against him in the county court.

§ 21. [HEARING APPEAL—COSTS.] Appeals taken to the county court under the provisions of this act may be heard at any term thereof. *Provided*, ten days has intervened from the time of taking such appeal and the first day of the term, and if not ten days, then such appeal shall be heard at the next term; and trials shall be conducted as in other cases of appeals. Should the decision of the supervisors be

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affirmed or wholly reversed, costs shall follow the judgment; but should such decision be modified, costs may be apportioned by the court in its discretion: *Provided*, that in any proceedings under this act, where any costs have been unnecessarily or improperly made, such costs may be adjudged against the party making the same.

§ 22. [APPEAL NOT TO DELAY PROGRESS OF WORK, ETC.] The taking of any appeal by any person or persons, as herein provided, shall not operate to delay the collection of any special assessment from which no appeal has been taken, nor delay the progress of the work.

§ 23. [ASSESSMENT—WHEN PAYABLE.] At the time of confirming such special assessment, it shall be competent for the commissioners to order the assessment of benefits to be paid in installments of such amounts and at such times as will be convenient for the accomplishment of the proposed work; otherwise, the whole amount of such assessment shall be payable immediately upon such confirmation, and shall be a lien upon the lands assessed until paid; and such assessment shall draw interest at the rate of eight (8) per cent per annum from the time they shall become payable till tney are paid, and such interest may be collected and enforced as part of the assessments.

§ 24. [COPY OF ASSESSMENT, CERTIFIED TO TREASURER—BOND.] Immediately after the entry of such confirmation of the special assessments. the clerk shall make out and certify to the treasurer a copy of said assessment roll; and the said treasurer shall execute bond to the people of the State of Illinois for the use of all persons interested, in a sum not less than twice the amount of assessments levied, conditioned for the faithful performance of his duties as treasurer of said drainage district, and that he will faithfully account for all money that, by virtue of said office, shall come to his hands; and such bond shall be with such sureties as may be approved by the commissioners, and said bond shall be kept and preserved in the town clerk's office.

§ 25. [TREASURER TO KEEP BOOKS.] It shall be the duty of said treasurer to keep proper books, furnished him by the commissioners, in which he shall keep an accurate account of all moneys received by him, and of all disbursements of the same; he shall pay out no money except upon the order of a majority of the commissioners, and shall carefully preserve on file all orders for the payment of money, given him by the commissioners, and shall turn over all books, papers, vouchers, moneys and property belonging to and in his hands, as such treasurer to his successor in office.

§ 26. [DIVISION OF WORK—LETTING CONTRACT.] The said commissioners, when they have procured the right of way for the proposed work, shall divide the ditch or ditches, into sections a quarter of a mile in length, except the remainder or remainders, after taking out as many full sections as the work contains, which remainder or remainders may be let with the adjoining section, or separately, as the commissioners may think best; or they may let the same in one contract; *Provided, further*, that no drain, ditch, or other work authorized to be constructed or made under this act, shall be constructed or made, in such a manner as to destroy or impair the use-

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fulness, or prevent the public use of any bay or harbor, or body of water used as a harbor connected with any navigable stream.

§ 27. [NOTICE OF LETTING—ADVERTISING FOR PROPOSALS.] Upon the confirmation of the assessment, the commissioners shall cause notice to be given of the time and place of the letting, and of the kind and amount of work to be done, and where plans of the same may be seen, by publication for twenty days in some newspaper printed or published in said county. Said bids shall be under seal, and the commissioners may reject any and all bids, and may continue the letting from time to time if, in their judgment, the same be necessary. If the cost of the entire work will not exceed five hundred dollars ($500), the commissioners shall let the same at such time and in such manner as they may think best. Said commissioners shall not, during their term of office, be interested, directly or indirectly, in any contract for the construction, repair or maintenance of any work in such drainage district, nor in the wages nor supplies to men or teams employed on any work under their jurisdiction. Any person or persons taking any work under contract shall, on the completion thereof, according to contract, be paid for such work by the treasurer, upon the order of the commissioners. If any person or persons to whom any portion of said work shall be let as aforesaid, shall fail to perform said work, the same shall be re-let in such manner as the commissioners may think best.

§ 28. [ASSESSMENT PAID IN LABOR.] In case any person assessed for benefits contracts to do any work, and said work is done according to contract, the commissioners shall give said person a receipt for so much of said assessment as said work amounts to, and said receipt may be received by the treasurer as payment of so much of said assessment.

§ 29. [PAYMENT OF DAMAGES, RIGHT OF WAY, ETC.] All excess, if any, of allowances for right of way and damages, over the amount of special assessment for benefits against the same person, shall be paid or tendered to the owners thereof, before the commissioners shall be authorized to enter upon said lands for the construction of any work thereon; in case the owner is unknown, or there shall be a contest in regard to the ownership of the land, or the commissioners cannot, for any reason, safely pay the same to the owner, they may deposit the same with the clerk of the county court, and the court may order the payment thereof to such party as shall appear to be entitled to the same.

§ 30. [SUITS, ETC.] The commissioners may use money arising from the collection of assessments for the purpose of compromising suits and controversies arising under this act, and in employment of all necessary agents and attorneys in the prosecution or defense of said operations, and to pay all necessary employes.

§ 31. [ENTRY UPON LANDS.] The commissioners from the time of receiving any petition, may authorize any employes to go upon the lands lying within said district, for the purpose of examining the same and making surveys; and after payment or tender of compensation al-

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lowed, may authorize all contractors with their servants, teams, tools, instruments, or other equipments for the purpose of constructing such proposed work, and may ever thereafter enter upon said lands as aforesaid, for the purpose of maintaining or repairing such work, doing no more damage than the necessity of the occasion may require, and any person who shall willfully prohibit or prevent any of the aforesaid persons from entering such lands for the purpose aforesaid, shall be fined in a sum not to exceed twenty-five dollars ($25) per day, for such hindrance, to be collected as other fines.

§ 32. [ADDITIONAL ASSESSMENT.] When the assessments hereinbefore made shall be inadequate to complete the work proposed, or when assessments shall be necessary for maintenance and repair, each tract of land shall be assessed such proportion of the additional cost as its original assessment bore to the total original assessment, and the said additional assessment shall be made by the commissioners in the same manner as the original assessment was made; and in all subsequent matters in relation thereto, the same proceedings shall be had as hereinbefore required in regard to original assessments.

§ 33. [BRIDGES AND CULVERTS—HOW PAID FOR.] The commissioners shall have power and are hereby required to make all necessary bridges and culverts for the protection of ditches made hereunder; but said bridges and culverts shall be paid for as follows: When in a public highway, it shall be paid out of the road and bridge tax; and when in a farm, it shall be paid for by the drainage commissioner.

§ 34. [SUB-DISTRICTS.] During the progress of the work, or at any subsequent time the commissioners when petitioned to create a "sub-district," (within any district organized as aforesaid), for the purpose of constructing any lateral drain or drains for the further reclamation of lands within such "sub-district," by special assessments of the property benefited thereby, shall be governed by the provisions of this act which are applicable thereto.

§ 35. [NOT TO PREVENT OTHER DRAINAGE.] Nothing in this act shall be construed to forbid or prevent the drainage of any lands, the drainage of which would require to be conducted to the same outlet through which the waters of any ditch constructed under this act shall flow.

§ 36. [PENALTY FOR INJURING, ETC.] Any person who shall wrongfully and purposely fill up, cut, injure, destroy, or in any manner impair the usefulness of any drain, ditch, or other work constructed, established, or lying within any district organized under this act for the purpose of drainage or protection against overflow, may be fined in any sum not exceeding two hundred dollars, to be recovered before a justice of the peace in the proper county. All complaints under this section shall be in the name of the people of the State of Illinois, and all fines, when collected, shall be paid over to the proper commissioners, to be used for the work so injured.

§ 37. [ACTION FOR DAMAGES.] In addition to the penalties provided in the preceding section, the person so wrongfully or purposely filling up or in any manner impairing the usefulness of any such drain or

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drains, shall be liable to the commissioners having charge thereof, for all damages occasioned to such work, and to the owners and occupants of land for all damages that may result to them by such wrongful act, which may be recovered before a justice of the peace, if within his jurisdiction, or before any court of competent jurisdiction.

§ 38. [KEEPING DRAINS, ETC., IN ORDER.] All ditches and drains shall, at all times, be kept in good order and repair by the commissioners, and the lands affected by said work, shall pay their proportionate amount of cost, which shall be in the same proportion that the lands were originally assessed.

§ 39. [PENALTY FOR FAILURE TO PERFORM DUTY.] For a failure to perform any of the duties imposed upon them by the provisions of this act, the commissioners so failing shall individually, upon complaint made under oath by any person who has paid a special assessment for the construction, maintenance or repair of such work, be liable to a fine not exceeding one hundred dollars ($100), to be recovered in an action in the name of the people of the State of Illinois, for the use of the district interested, before any justice of the peace of the county, and all fines, when collected, shall be paid to the treasurer of the district.

§ 40. [DELINQUENT LIST—SALE.] It shall be the duty of the treasurer of each and every drainage district, to make out a certified list of such delinquent lands upon which the assessments remain unpaid, and the same shall be by him, on or before the 10th of March next after the same have become payable, returned to the county collector of the county or counties in which such lands shall lie; and it shall be the duty of the collector to whom such return has been made, to transfer the amounts thereof, from such returns to the tax books in his hands, setting down therein, opposite the respective tracts or lots, in proper columns prepared for that purpose, the amount assessed against each tract or lot; and the like proceedings shall be had, and with like force and effect, in the collection of such delinquent assessments and the sales of said lands for the non-payment thereof, as in ordinary collections of State and county taxes by county collectors, and of sales of real estate by them for such non-payment and of redemptions from such sales.

§ 41. [PAYMENT OF DELINQUENT TAX BEFORE SALE.] Notwithstanding the returns of such delinquent list, the said treasurer of the drainage district may receive payment of any such delinquent assessments and costs, and may give receipts for the same, but shall keep a memorandum of the same, and on or before the day of sale fixed by said county collector for sale of such lands, shall present said memorandum or list to said county collector, for the purpose of having the same checked or marked paid on the delinquent list in his hands; and all amounts collected by the said county collector by sale or otherwise, after deductions of his fees, shall be paid to the treasurer of the drainage district, on demand.

§ 42. [COLLECTOR OF DELINQUENT ASSESSMENT TO GIVE BOND.] When the certified list of such delinquent lands upon which the

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assessments remain unpaid has come into the hands of the county collector, as aforesaid, the said collector shall execute bond to the drainage commissioners for the use of all persons interested, in a sum not less than twice the amount of the delinquent assessments, conditioned for the faithful performance of his duties as collector of said delinquent assessments, of said drainage district, and that he will faithfully account for all moneys that by virtue of said delinquent assessments, shall come to his hands; and such bond shall be with such sureties as may be approved by the county judge, and said bond shall be kept and preserved in the county clerk's office.

COUNTIES NOT UNDER TOWNSHIP ORGANIZATION.

§ 43. [DRAINAGE COMMISSIONERS.] The county commissioners, in counties not under township organization, shall be the drainage commissioners in and for their respective counties, shall be a body politic and corporate, with like powers and duties as drainage commissioners as hereinbefore provided for. In all legal proceedings under this act their corporate name shall be "The Drainage Commissioners of . . County, State of Illinois." In such counties the county clerk shall be the clerk of the drainage commissioners, and he shall perform all duties devolved upon clerks of drainage commissioners, as hereinbefore specified in this act.

§ 44. [PETITION TO FORM DISTRICT.] Whenever a majority of the adult owners of land, and owning more than one-third of any area of lands lying in a county not under township organization, and requiring a combined system of drainage or protection from overflow, desire to form a drainage district, they shall file in the office of the county clerk a petition setting forth the facts as provided in section three of this act; which petition shall be accompanied by a bond as in said section provided. It shall thereupon be the duty of the clerk to give notice that a meeting of the drainage commissioners will be held, as provided in section four of this act.

§ 45. [MEETING OF COMMISSIONERS—PROCEDURE.] The commissioners shall meet at the time mentioned in said notice and examine the said petition, and they shall thenceforth, in all preliminary and subsequent matters, as to the organization of such district, location of work, procuring right of way, awards of damages, levy of special assessments for benefits, confirmation of the same and other matters, proceed in accordance with the provisions of this act in regard to the duties and powers of drainage commissioners of townships, and shall in all cases be vested with the same powers and exercise the same duties as such commissioners.

§ 46. [APPEALS.] Appeals from the orders of drainage commissioners, confirming any special assessments in counties not under township organization, may be taken by any person interested who is not satisfied with the decision of the commissioners to the county surveyor, county treasurer and sheriff, who shall constitute a board of appeals, who shall meet when notified by the clerk for the purpose of hearing appeals in such cases; and at such meeting they shall proceed as hereinbefore provided for supervisors when hearing appeals in like cases. Either

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party aggrieved by the action of the board of appeals may appeal therefrom to the county court on the same conditions, under the same restrictions and with the like effect as hereinbefore provided for appeals from supervisors.

DISTRICTS COMPOSED OF LANDS LYING IN TWO COUNTIES, OR IN TWO TOWNSHIPS IN COUNTIES UNDER TOWNSHIP ORGANIZATION.

§ 47. [LANDS IN TWO COUNTIES—MODE OF PROCEEDING.] When lands lying in two counties, or in two townships in counties under township organization, would be benefited by a combined system of drainage, and a majority of the owners of such lands, owning more than one-third ($\frac{1}{3}$) of such lands, desire the formation of a drainage district, they may file a petition as provided in section three of this act, in the office of the clerk of that board of commmissioners in whose jurisdiction the greater part of said lands are situated. It shall thereupon be the duty of said clerk to give notice as provided in said section, and at the meeting held in pursuance of such notice both boards of commissioners shall act; and should a district be organized, all of such commissioners shall constitute the drainage commissioners of such district, and in the preliminary, and all subsequent proceedings in regard to formation of such district, construction of works therein, procuring right of way, the award for damages, the levy and collection of special assessments for benefits, the confirmation thereof and appeals therefrom, they shall proceed as hereinbefore provided: *Provided*, that all proceedings for condemnation of right of way and the assessment of damages consequent upon the construction of such work, shall take place in the county in which the lands affected are situated. The clerk in whose office the petition is filed shall be the clerk of such drainage commissioners.

§ 48. [APPEALS—HOW TAKEN.] When such district lies wholly within a county or counties under township organization, appeals from the order of the commissioners confirming special assessments shall be taken to three supervisors, as hereinbefore provided, but where the district lies in two counties, all of such supervisors shall not reside in the same county. When such district lies wholly within counties not under township organization, appeals shall be taken to the county surveyors, county treasurers and sheriffs of the several counties, who shall act as a joint board of appeals. And when the district lies partly in a county under township organization, and partly in a county not under township organization the appeal shall lie to a board consisting of three supervisors from the county under township, organization chosen as provided in section nineteen of this act; and the county surveyor, county treasurer and sheriff of the county not under township organization shall act as a joint board. All of said boards of appeal in this section provided for shall proceed and determine the cases submitted to them in the manner and to the effect set forth in section twenty hereof. From the decisions of any of the boards of appeal mentioned in this section, appeals shall lie, as provided in section twenty of this act, to the county court of the county in which the land concerning which the appeal is taken is situated, and such appeal shall be tried in like manner and with like effect as hereinbe-

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fore provided in cases of appeals to such courts. Districts lying in two townships or counties shall be designated as Union District No... in...., and.....township or counties, as the case may be.

SPECIAL DRAINAGE DISTRICTS.

§ 49. [How formed—petition, etc.] Whenever a majority of the adult owners of land, who shall be the owners of more than one-third of the lands in any area of territory lying in more than two townships either in the same or different counties under township organization, or lying partially in more than two townships, in a county under township organization, and partly in a county not under township organization, shall file in the office of the clerk of the county court of the county in which the greater part of such lands shall lie, a petition setting forth the facts as provided in section 3 of this act, and praying that a special drainage district may be formed, it shall be the duty of said clerk to give notice by posting written or printed notices in at least six public places in such township or county in which said proposed district or any part thereof shall lie, and also by publication in some weekly newspaper published in his county for two successive weeks, stating the day when such petition will be heard, which hearing may be at any term of said court, occurring not less than ten days after the last publication above provided for. The petition above mentioned shall in all cases be accompanied by a bond conditioned for the payment of all costs to the officers of the court, or accruing to other parties by virtue of such proceeding, in case such district is not established; which bond shall be signed by at least three responsible persons and approved by the clerk.

§ 50. [Hearing on petition.] It shall be the duty of the said court at the time set for such hearing, to examine the said petition, and if the court shall find, upon examination, that it is signed by a majority of the adult owners of the lands within said proposed district, and that such signers are the owners of more than one-third of the lands lying therein, the court shall so find. The affidavits of three credible signers of such petition that they have examined the same, that they are acquainted with the locality, and they verily believe that such petition is signed by a majority of the adult owners of lands lying in said proposed district, and that they are the owners in the aggregate of more than one-third of such lands, shall be taken as *prima facie* evidence of such facts, against all persons owning lands therein, and as conclusive evidence against all the signers of such petition of the facts therein stated, and that they have accepted the provisions of this act as to the assessments of benefits and damages hereunder. At such meeting any other owners of land within said district shall be permitted to place their names on said petition if they so desire. Any person owning land in said district whose name is not on said petition may, at said time and place, appear and controvert any material statement in said petition, or any signer thereof may deny or withdraw his signature thereto on payment of his proportion of costs incurred to that date, and for the purpose of such hearing the court shall have power to examine witnesses produced at such time.

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§ 51. [PROCEEDINGS ON HEARING—APPOINTMENT OF COMMISSIONERS.] Should the court find against the petitioners, it shall enter an order to that effect, and the petition shall thereupon be dismissed at the cost of the petitioners. Should the court find in favor of the petitioners, it shall enter an order to that effect, and it shall thereupon be the duty of the court to appoint three drainage commissioners for said district, who shall at once proceed to the examination, survey and organization of said district in all matters as provided in sections eight and nine of this act, and the clerk shall give notice of the time when and place where the commissioners will meet to complete the organization of such district, which time shall not be more than thirty (30) days subsequent to the date of the appointment of such commissioners. At the meeting for completing the organization of such district the proceedings shall in all respects conform to the requirements of this act, as set forth in the matter of the formation of districts lying wholly within a township. Upon the filing of the order of the commissioners declaring such district organized, the clerk shall enter the same of record, and said district shall thereupon be deemed fully organized.

§ 52. [CORPORATE NAME—POWERS.] Each special drainage district organized as herein provided, shall be known and designated by a name, as " . . . Special Drainage District, in the county or counties of . . . , and State of Illinois." The commissioners thereof shall be a body politic and corporate, with like powers as herein conferred upon other drainage commissioners.

§ 53. [NOTICE OF ELECTION.] So soon as a special drainage district has been organized, it shall be the duty of the county clerk, who shall be the clerk of the commissioners thereof, to give notice by posting written or printed notices in at least six public places in said district, that on a day therein named, not less than ten days from the date of notice, at a place in said notice designated, an election will be held for the purpose of electing three drainage commissioners for said district.

§ 54. [ELECTION—COMMISSIONERS—TERM OF OFFICE.] At all elections held for the election of drainage commissioners, the drainage commissioners then in office shall be the judges of election, and in the absence of any of them the electors present may choose a person or persons to fill the vacancy or vacancies. Such elections shall be conducted in all respects in accordance with the general election laws of this State: *Provided*, that no person shall be eligible to the office of drainage commissioner, or to vote at any election held hereunder who is not a resident of and an owner of land in such district. The returns of such election shall be transmitted to the clerk of the commissioners, who shall canvass the vote as the returns for the election of county officers are canvassed, and the three persons having the highest number of votes shall be declared elected, and the clerk shall thereupon notify said persons of their election. The persons so elected shall determine among themselves by lot their respective terms of office, one of whom shall serve for one year, one for two years, and one for three years, or such parts thereof as may expire upon the

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election of their successors respectively; and annually thereafter, on the first Saturday of September, there shall be elected in each special district one drainage commissioner, who shall hold his office for three years, and until his successor is elected and qualified.

§ 55. [OATH—BOND—TREASURER—BOND—DUTIES—TERM OF OFFICE.] Said commissioners shall thereupon each take an oath to faithfully discharge the duties of his office as drainage commissioner, which oath shall be signed by him and filed in the office of the clerk. They shall then appoint some person who shall be a land owner within and a resident of said district, as treasurer, who shall give bond to the commissioners in such sum as shall be fixed by them not less than double the amount likely to come into his hands in any one year, which bond shall be signed by at least two responsible securities and approved by the commissioners and filed in the office of the clerk. He shall hold his office for two years, but may be removed by the commissioners at any time for cause. He shall have like powers and perform the same duties herein provided for other treasurers of drainage districts. He shall pay out moneys only on orders signed by the commissioners, or a majority of them.

§ 56. [DUTIES OF COMMISSIONERS.] The commissioners shall then at once proceed to locate the drain or drains, ditch or ditches, procure the right of way, institute proceedings therefor, and for the award for damages consequent upon the construction of the proposed work, make special assessments for benefits, and in all the foregoing and subsequent proceedings, including the letting of contracts, the confirmation and collection of special assessments and all other matters they shall be governed by the provisions of this act, relating to the powers and duties of drainage commissioners of townships.

§ 57. [APPEALS.] Appeals from the orders of the commissioners of special districts confirming special assessments, if the district lies wholly within a county or counties under township organization, shall be taken to three supervisors, as provided for appeals in cases of districts lying wholly within a township or in two counties under township organization, as the case may be. If the district lies within a county or counties under township organization and a county or counties not under township organization, the appeal shall be taken to the joint boards of appeal of the several counties. From the decision of such tribunals appeals shall be as hereinbefore provided, and with like effect to the county court of the county in which the land upon which the assessment made is situated.

§ 58. [POWER TO BORROW MONEY.] The commissioners may borrow money not exceeding in amount, half the amount of assessments unpaid at the time of borrowing, for the construction of any work which they shall be authorized to construct, and may secure the same by notes or bonds bearing interest at the rate of not exceeding eight per cent per annum, and not running beyond one year after the last assessment on account of which the money is borrowed shall fall due, which notes or bonds shall not be held to make the commissioners personally liable for the money borrowed, but shall constitute a lien upon the assessment for the repayment of the principal and interest thereon.

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§ 59. [WHO TO BE TREASURER.] In all districts, in counties under township organization, the supervisor of the township in which the district is situated, shall be the treasurer of the district. When the district lies in two townships, the supervisor of one of the townships, to be designated by the commissioners, shall be the treasurer. When a district lies in a county not under township organization, the county treasurer, shall be the treasurer, and when the district lies in two counties not under township organization, the commissioners shall appoint the treasurer of one of said counties, the treasurer of the district. When a district lies partly in a county under township organization, and partly in a county not under township organization, the commissioners may appoint either a supervisor, or county treasurer, as the treasurer, of the district, as they may determine. The treasurer shall in all cases, give to the commissioners a bond in double the amount of the sum likely to come into his hands for the use of the district interested.

§ 60. [MEANING OF "DITCH."] The word "ditch," when used in this act, shall be held to include a drain or water course, and the petition for any such improvement, shall be held to include any lateral ditch, drain, or water course necessary to be constructed to secure the object of the improvement, whether the same be mentioned therein, or not and this act shall extend to and include the straightening of streams and water courses, and cleaning driftwood out of the same, and the making of such ditches or drains as may be found necessary to divide the overflow of any stream or water course.

AN OWNER, OR JOINT OWNERS AS TENANTS IN COMMON, TO PROCURE OUTFALLS.

§ 61. [OPENING DRAINS THROUGH LANDS OF ANOTHER.] Any owner, or joint owners as tenants in common, desirous to drain the same and in order thereto deem it necessary that a new drain or drains should be opened through lands belonging to another owner, or that an existing drain or drains in lands belonging to another owner should be cleansed, widened, straightened or otherwise improved, may apply to such owner, who is hereinafter referred to as the adjoining owner, for leave to make such drain or drains, or improvement in drain or drains, through or on the lands of such adjoining owner.

§ 62. [NOTICE TO ADJOINING OWNER.] Any such application as aforesaid shall be by notice in writing, under the hand of the applicant, and shall be served on the owner, and also on the occupier, if the owner be not the occupier. The notice shall state the nature of such drain or drains, or improvements in drain or drains, be accompanied by a map, on which the length and depth, and if an open ditch, the width, of the proposed drain or drains, or improvements in drain or drains, shall be delineated, and shall further state the compensation, if any, which the applicant proposes to pay, or which the applicant proposes that the adjoining owner shall pay.

§ 63. [ASSENT BY ADJOINING OWNER.] The adjoining owner may, by deed, under his hand and seal, assent to such application, upon such terms and payment of such compensation as may be agreed upon; and any assent so given, or agreement so made, shall be binding on all parties, their heirs and assigns.

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§ 64. [ASSENT TO BE RECORDED.] The applicant shall cause to be recorded, in the recorder's office in the county wherein the land is situate, the deed containing the assent of the adjoining owner to the proposed drain or drains, or improvement in drain or drains, and, also, a map showing the location of the same.

§ 65. [WHEN OWNER DOES NOT ASSENT.] If the adjoining owner does not assent to the application, then the said person making the application may give notice, in writing, to said adjoining owner, and, also, to the occupier, if the owner be not the occupier, that he will, on a day named, not less than five days thereafter, apply to the drainage commissioners to locate said drain or drains.

§ 66. [DRAINAGE COMMISSIONERS MAY ACT.] Upon the receipt of such application, it shall thereupon be the duty of the drainage commissioners, at the time mentioned in said notice, to go upon the lands and examine the line or lines of the proposed ditch or ditches; and they shall have power to make such alteration, either in the location or mode of construction, as they may deem best, and may form a drainage district embracing such drain or drains, and shall enter on their record an order, in writing, organizing said drainage district, and such district shall thereupon be declared organized. The maps, as finally adopted, shall be signed by the commissioners, or a majority of them, and shall be recorded in the drainage record.

§ 67. [PROCEEDINGS FOR RIGHT OF WAY, ETC.] The further proceedings for procuring right of way, award of damages, levy of special assessments for benefits, confirmation of the same and other matters, shall be in accordance with the provisions of this act, which are applicable thereto.

§ 68. [FEES.] The commissioners and clerk, and members of boards of appeals shall each receive one and one-half dollars, and if a civil engineer shall have been employed not to exceed five dollars per day, for the time actually employed in the discharge of the duties prescribed by this act; the compensation to be paid by the district for which the service may be rendered. Their accounts for services shall be rendered under oath and filed with the clerk, and kept by him with and among the records of his office. The treasurer shall receive, as his compensation, two per cent, of the funds collected by him, and one per cent on the amount paid him by the county treasurer. The county treasurer shall be entitled, as his compensation two per cent, on the amount collected by him on delinquent assessments.

§ 69. [ACT NOT AFFECT PRIOR LAWS.] This act shall not be construed to repeal or interfere with the execution and enforcement of other laws on the subject of drainage or levees, and drains passed by this General Assembly.

APPROVED May 29th, 1879.

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REFUNDING MONEY.

§ 1. Taxes and assessments refunded.
§ 2. Refusal to refund.
§ 3. Emergency.

AN ACT *to provide for the refunding of moneys levied and collected under and by virtue of "An act to provide for the construction and protection of drains, ditches, levees and other works," approved April* 24, 1871, *in force July* 1, 1871, *and to provide for the recovery of the same by action. Approved and in force May* 14, 1879.

SECTION 1. [TAXES TO BE REFUNDED.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all taxes or assessments that may have been levied and collected under and by virtue of the provisions of an act entitled "An act to provide for the construction and protection of drains, ditches, levees and other works," approved April 24, 1871, in force July 1, 1871, that have not been expended as provided therein, and that yet remain in the hands of the county collectors, drainage commissioners, town collectors or other officers who may have collected the same by virtue of said act, shall refund the several amounts yet unexpended pursuant to the terms of said act, to the respective parties from whom the same may have been collected.

§ 2. [REFUSAL TO REFUND.] That upon the refusal of any such officers to refund moneys remaining in their hands, as required by section one (1) of this act, the parties entitled to the same may recover the amount due them by either an action of debt or assumpsit, or may sue such officers on their official bonds.

§ 3. [EMERGENCY.] WHEREAS, An emergency exists, therefore this act, shall take effect and be in force from and after its passage.

APPROVED May 14th, 1879.

ELECTIONS.

REGISTRATION OF ELECTORS.

§ 1. Board of registration—meeting—register.
§ 2. Repeal.

AN ACT *to amend section one* (1) *of an act entitled "An Act for the Registry of Electors, and to Prevent Fraudulent Voting," approved and in force February* 15, 1865. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. [BOARD OF REGISTRATION—MEETING—REGISTER.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section one of an act entitled "An Act for the registry of electors, and to prevent fraudulent voting," be amended so as to read as follows: The persons authorized by law, or appointed

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pursuant to any town or city ordinance, to act as judges or inspectors of elections in any town, city, or ward or other election district or precinct in this State, shall constitute a "Board of Registry" for their respective towns, cities, wards, districts or precincts, and shall meet on Tuesday, three weeks preceding any State election, at nine o'clock A. M., and proceed to make a list, as hereinafter prescribed, of all persons qualified and entitled to vote at the ensuing election, in the election district of which they are judges or inspectors; which list, when completed, shall constitute and be known as the "Register" of electors of said election district. In election districts in towns which lie wholly within the limits of an incorporated city, a register of electors shall be made for all elections, whether general, special, local or municipal, in the same manner as herein provided in the case of State elections.

§ 2. [REPEAL.] All acts or parts of acts inconsistent herewith, are hereby repealed.

APPROVED May 31st, 1879.

EVIDENCE AND DEPOSITIONS.

PARTNERS AND JOINT CONTRACTORS.

§ 4. Partners and joint contractors.

AN ACT *to amend section four, of an act entitled, "An act in regard to evidence and depositions in civil cases" approved, March* 29, 1872; *in force July* 1, 1872. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section four of an act entitled, "An act in regard to evidence in despositions in civil cases," approved, March 29, 1872, and in force July 1, 1872, be amended so as to read as follows:

§ 4 [PARTNERS AND JOINT CONTRACTORS.] (Partners, Joint contractors and deceased agents.) In any action, suit or proceeding, by, or against any surviving partner or partners, joint contractor or contractors, no adverse party, or person adversely interested in the event thereof, shall by virtue of section one of this act, be rendered a competent witness, to testify to any admission or conversation, by any deceased partner or joint contractor, unless some one or more of the surviving partners or joint contractors were also present at the time of such admission or conversation; and in every action, suit or proceeding, a party to the same, who has contracted with an agent of the adverse party, the agent having since died, shall not be a competent witness, as to any conversation or transaction between himself and such agent, except where the conditions are such, that under the provisions of sections two and three of this act, he would have been permitted to testify, if the deceased person had been a principal and not an agent.

APPROVED May 31st, 1879.

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ATTENDANCE OF WITNESSES BEFORE COMMISSIONERS, ETC.

§ 36. Attendance of witnesses before commissioners, etc.

AN ACT *to amend section thirty-six of an act entitled "An act in regard to evidence and depositions in civil cases," approved March* 29, 1872. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section thirty-six of an act entitled "An act in regard to evidence and depositions in civil cases," approved March 29, 1872, be amended to read as follows:

§ 36. [ATTENDANCE OF WITNESSES BEFORE COMMISSIONERS, ETC.] Each and every commissioner judge, justice of the peace, or clerk of court, master in chancery, notary public or other officer who may at any time be required to take depositions in any cause pending in any of the courts of law or equity in this State, or by virtue of any commission issued out of any court of record in any other State, territory or country, shall have power and authority to issue subpœnas if necessary, to compel the attendance of all such witnesses as shall be named in the commission, or by the parties litigant where no commission is necessary, in the same manner as witnesses are directed to be subpœnaed in other cases, and any witness willfully neglecting or refusing to obey any such subpœna, or refusing to testify, or to subscribe his deposition when correctly taken, the commissioner or officer issuing such subpœna, shall at once report in writing, the facts of such willful refusal or neglect, accompanying the same with a copy of the commission or other authority received by him, together with a copy of the subpœna and the return of service thereof, and file the same, in the office of the clerk of the circuit court of such county, and thereupon, attachment shall issue, out of said court against such offending witness, returnable forthwith, before the circuit court of such county if in term time, or before any judge of said court if in vacation, who shall hear and determine the matter in a summary way, and it appearing to the court that the neglect or refusal of such witness to appear or testify, or to subscribe such deposition as aforesaid, is willful and without lawful excuse, the court shall punish such witness by fine, and imprisonment in the county jail, or by fine, or imprisonment in the county jail as the nature of the case may require, as is now, or as may hereafter be lawful for the court to do in cases of contempt of court.

APPROVED May 31st, 1879.

FEES OF COUNTY AND TOWNSHIP OFFICERS.

§ 13. Counties classified. | § 2. Emergency.

AN ACT *to amend section* 13 *of an act entitled "An Act concerning Fees and Salaries, and to classify the several counties of the State with reference thereto," approved March* 29, 1872, *in force July* 1, 1872. *Title as amended by act approved March* 28, 1874, *in force July* 1, 1874. *Approved and in force May* 20, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section 13 of an act entitled

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"An Act concerning Fees and Salaries, and to classify the several counties of the State with reference thereto," approved March 29, 1872, in force July 1, 1872; title as amended by act approved March 28, 1874, in force July 1, 1874, be and the same is hereby amended so as to read as follows:

§ 13. [COUNTIES CLASSIFIED.] That for the purpose of fixing the fees and compensation of county and township officers in this State, the several counties therein are hereby divided into three classes, according to population as ascertained by the Federal Census of the year 1870, which classes shall be known as the first, second and third, as follows:

Counties containing a population of not exceeding twenty thousand inhabitants, to-wit: The counties of Alexander, Bond, Boone, Brown, Calhoun, Carroll, Cass, Clark, Clay, Clinton, Crawford, Cumberland, DeWitt, Douglas, DuPage, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Grundy, Hamilton, Hardin, Henderson, Jackson, Jasper, Jefferson, Jersey, Johnson, Kendall, Lawrence, Marshall, Mason, Massac, Menard, Mercer, Monroe, Moultrie, Perry, Piatt, Pope, Pulaski, Putnam, Richland, Saline, Schuyler, Scott, Stark, Union, Wabash, Washington, Wayne, White, Williamson and Woodford, shall belong to and be known as counties of the first class.

Counties containing a population over twenty thousand and not exceeding seventy thousand to-wit: Adams, Bureau, Champaign, Christian, Coles, DeKalb, Edgar, Fulton, Greene, Hancock, Henry, Iroquois, JoDavies, Kane, Kankakee, Knox, Lake, LaSalle, Lee, Livingston, Logan, Macon, Macoupin, Madison, Marion, McDonough, McHenry, McLean, Montgomery, Morgan, Ogle, Peoria, Pike, Randolph, Rock Island, Sangamon, Shelby, St. Clair, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Will and Winnebago, shall belong to and be known as counties of the second class.

Counties containing a population exceeding seventy thousand inhabitants, to-wit: The county of Cook shall belong to and be known as counties of the third class. The fees and compensation of the several officers hereinafter named, shall be as follows in the respective classes of counties to which they belong.

§ 2. [EMERGENCY.] WHEREAS The county of Greene was improperly classed as a county of the first class, whereby the county board are and have been acting under an improper classification in fixing the compensation of county officers; therefore an emergency exists, and this act shall be in force from and after its passage.

APPROVED May 20th, 1879.

FEES OF JURORS.

§ 44. In courts of record.

AN ACT *to amend section* 44 *of an act entitled "An Act concerning Fees and Salaries, and to classify the several counties of the State with reference thereto," approved March* 29, 1872, *title as amended by an act approved March* 28, 1874. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section 44 of an act en-

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titled "An Act concerning Fees and Salaries, and to classify the several counties of the State with reference thereto," approved March 29, 1872, title as amended by an act approved March 28, 1874, be and hereby is amended to read as follows:

FEES OF JURORS IN COURTS OF RECORD.

§ 44. [IN COURTS OF RECORD.] There shall be allowed and paid to grand and petit jurors, for their services in attending courts of record, including the county court, when sitting for or doing probate business, each the sum of one dollar and fifty cents per day of necessary attendance at such courts as such jurors, and also five cents per mile each way for necessary travel in going to and returning from the same, to be paid out of the county treasury; except that in cases for the trial of insane persons before the court, jurors shall only receive for their services as jurors for such trials, the sum of fifty cents each. The clerk of the court shall furnish to each of the jurors aforesaid, without fee whenever he shall be discharged from further service by the court, a certificate of the number of days attendance at the term, or of the number of days attendance at the trial of an insane person, as the case may be, and upon presentation thereof to the county treasurer, he shall pay to such juror, the sum as above provided for his said service. The jurors in courts of record, including county courts, when sitting for and doing probate business in counties of the third class, shall receive only for their services the sum of one dollar and fifty cents per day, and five cents per mile, actual travel going and coming to place of holding court, but no oftener than once coming and going to place of holding court, shall be considered in computing the mileage of jurors, during the term for which they shall be summoned to serve as jurors.

APPROVED May 31st, 1879.

FEES OF CLERKS OF PROBATE COURTS IN COUNTIES OF THE THIRD CLASS.

§ 1. Fees of clerk of probate court.
§ 2. Payment in advance.
§ 3. Repeal.

AN ACT *to provide for fees of Clerks of Probate Courts in counties of the third class. Approved May* 29, 1879. *In force July* 1, 1879.

SECTION 1. [FEES OF CLERK OF PROBATE COURTS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the clerks of probate courts in counties of the third class, shall be entitled to receive the fees herein specified, for the services mentioned, and such other fees as may be provided by law for other services not herein designated.

For taking proof of last will and testament or codicil, when proved separately, and endorsing certificate of probate thereon, including all services relating thereto, seventy-five cents;

For entering order admitting to probate last will and testament or codicil, fifty cents;

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For recording last will and testament or codicil, for every one hundred words, eight cents;

For filing petition and entering order for appointment of executor, administrator or guardian, fifty-five cents;

For taking bond of executor or administrator, and administering oath and recording bond, fifty-five cents;

For taking bond of guardian or conservator and recording same, fifty cents;

For issuing and sealing letters testamentary, letters of administration, appointment of guardian or conservator, and recording the same, seventy-five cents;

For entering order for appointment of appraisers and issuing warrant to appraisers, seventy cents;

For taking and filing renunciation of executor, or of right to administer five cents;

For certified copies, with seal of court, of letters testamentary, administration, guardianship, or conservatorship fifty cents;

For swearing to and filing affidavit of claim, twenty-five cents;

For filing and docketing each claim against estates and for entering order allowing or dismissing same, forty-five cents;

For filing and docketing each claim against estates and for entering order allowing or dismissing same, forty-five cents;

For filing and docketing each claim against estates filed after the regular term for adjustment of claims, where service of process is waived, including all services relating thereto, to be paid by the claimant, one dollar;

For filing and docketing each claim against estates, filed after the regular term for adjustment of claims, where service of process is not waived and for issuing, docketing and filing summons, including all services relating thereto, to be paid by the claimant, one dollar and fifty cents;

For entering order reinstating and redocketing claim, seventy-five cents;

For filing and docketing proof of notice and entering order for adjustment of claims sixty cents;

For filing and docketing assignment of claims or judgment, twenty-five cents;

For filing inventories appraisement bills sale bills, awards to widow or children, accounts of executors, administrators guardians and conservators and all other exhibits and writings, (except wills and codicils) each, five cents;

For entering order approving same, forty-five cents;

For recording same, for every one hundred words, eight cents;

For filing petition for appointment of conservator, and issuing, docketing and filing summons, eighty-five cents;

Entering order for venire, seventy-five cents;

Issuing and filing venire, fifty-five cents;

Swearing jury, fifty cents;

Recording verdict of jury and entering order of court on same, one dollar and fifty cents;

For entering order for appointment of conservator, fifty cents;

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For notice of application of appointment of conservator and filing certificate of publication, thirty-five cents;

For entering order, docketing, filing and issuing citation, seventy-five cents;

For issuing and filing subpœna twenty-five cents;

For filing petition, issuing, docketing and filing summons on application for sale of real estate, seventy-five cents;

For entering order appointing guardian *ad litem*, forty-five cents;

For entering order, appointing attorney to defend estate against claim of administrator or executor, forty five cents;

For filing petition and entering order for dedimus potestatem, forty-five cents;

For issuing dedimus potestatem, fifty cents;

For issuing, docketing and filing execution, fifty cents;

For entering order approving, filing and recording appeal bond, seventy-five cents;

For entering each judgment, order or decree exceeding five folios in length, for every one hundred words, eight cents;

For certified copies and exemplifications of records, files and settlements, for every one hundred words, eight cents;

For entering order of proof of heirship sixty cents;

For entering order, issuing and filing writ of attachment for contempt of court, one dollar;

For every certificate under seal of court, issued by clerk, except as herein otherwise provided, fifty-cents;

For entering all other orders of record, not otherwise herein provided, for each forty-five cents;

For entering final orders and decrees on discharge of executors, administrators, guardians or conservators and the sureties on their bonds on final settlements, including all services, relating thereto, two dollars and ten cents;

§ 2. [PAYMENT IN ADVANCE.] The clerk of probate courts shall be entitled in all cases to demand and receive the payment of all fees for services in advance, so far as the same can be ascertained.

§ 3. [REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

APPROVED May 29th, 1879.

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FISH.

BROOK TROUT.

§ 1. When trout not to be taken.
§ 2. Complaint—warrant.
§ 3. Proceedings for violation of act.
§ 4. Trespassing on land of others.
§ 5. Disposition of fines.
§ 6. Exceptions.

AN ACT *to protect brook trout. Approved May* 29, 1879. *In force July* 1, 1879.

SECTION 1. [WHEN TROUT NOT TO BE TAKEN.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* No person shall take by any device, contrivance, or means whatsoever, any "Brook Trout within any of the streams, lakes, or waters in this State, between the fifteenth day of July and the first day of April following, in each year; and no person shall, at any time, take brook trout with any net, seine, wire-basket, spear, grapple, trap or any device whatever, except hook and line, or set or use any such net or other device, except hook and line, to take brook trout in any of the streams, lakes or waters within this State; and every person or persons so offending against the provisions of this act, or who shall expose for sale, or shall have any brook trout in his possession or custody, taken by means of any net or other device, except hook and line, or which shall have been taken during the time when the taking thereof is prohibited by this act, shall be subject to a fine of not less than five dollars nor more than one hundred dollars, or imprisonment in the county jail not less than five days nor more than thirty days.

§ 2. [COMPLAINT—WARRANT.] Whenever complaint shall be made by filing an affidavit before any justice of the peace in any county in this State, that any person or persons have within such county violated the foregoing section of this act, the said justice of the peace shall inquire into the matter, and if satisfied from the affidavit of the person or persons making such complaint, or from any other testimony, that there is reasonable cause to justify the making of such complaint he shall issue his warrant, directed to the sheriff or any constable of such county authorizing and commanding him forthwith to arrest and bring before him, or in his absence, some other justice of the peace within such county, the person or persons alleged to have been guilty of violating the foregoing section.

§ 3. [PROCEEDINGS FOR VIOLATION OF THIS ACT.] Whenever any person or persons shall be brought before any justice of the peace in the manner provided for in this act, for a violation of the preceding section of this act, it shall be the duty of the justice of the peace to hear and determine the complaint made against such person or persons as is otherwise provided by law in summary proceedings.

§ 4. [TRESPASSING UPON LANDS OF OTHERS.] Any person or persons trespassing upon the inclosed lands of another without the consent of the owner for the purpose of catching brook trout, shall be deemed guilty of a misdemeanor, and fined in a sum not more than ten dollars and cost of proceedings, such fine and costs to be enforced in the same manner as in the preceding sections of this act.

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§ 5. [DISPOSITION OF FINES.] All fines received under the provisions of this act shall be paid one-half to the informer, and the other half to the county school fund.

§ 6. [EXCEPTIONS.] Nothing herein shall be construed to prevent any person from taking brook trout with a net at any time for spawning purposes. *Provided*, that nothing herein contained shall apply to fish raised and taken by a person within his own enclosure or pond.

APPROVED May 29th, 1879.

FISH—CULTIVATION OF.

§ 1. When unlawful to catch with seine, etc.
§ 2. Unlawful to catch or kill with chemical compound.
§ 3. Complaint—warrant.
§ 4. Justice to hear complaint.
§ 5 Fine.
§ 6. Fishing on enclosures of others—fine
§ 7. Suit in name of people—to whom fine paid—appeal.
§ 8. Execution against the person.
§ 9. Exceptions.
§ 10. Emergency.

AN ACT *entitled An Act to encourage the cultivation of Fishes within the State of Illinois. Approved and in force May* 13, 1879.

SECTION 1. [WHEN UNLAWFUL TO CATCH WITH SEINE NET ETC.] *Be it enacted by the People of the State of Illinois represented in the General Assembly*, That it shall be unlawful for any person or persons to catch or kill any fish of the species commonly called, black, green, silver, or white bass, pike, pickerel, salmon, land lock salmon, jack salmon, croppy or grass bass, sun fish or sun perch, or other fish commonly known as game fish in or upon any of the rivers, creeks, streams, ponds, lakes, sloughs, bayous or other water courses wholly within or running through the State of Illinois, with any seine, net, weir, or other device, other than with hook and line, from the fifteenth day of February to the fifteenth day of June, in each and every year.

§ 2. [UNLAWFUL TO CATCH OR KILL WITH CHEMICAL COMPOUND.] That it shall be unlawful for any person or persons at any time to catch or kill any fish in or upon any of the creeks, streams, ponds, lakes, sloughs, bayous, or other water courses within the jurisdiction of the State of Illinois, by the use of lime, acid or any medicinal or chemical compound or explosive.

§ 3. [COMPLAINT—WARRANT.] Whenever complaint shall be made to any justice of the peace in any county of this State, that any person or persons have within such county violated any of the foregoing sections of this act, the said justice of the peace shall enquire into the matter, and if satisfied from the affidavit of the person making such complaint or from any other testimony, that there is reasonable cause to justify the making of such complaint, he shall issue his warrant, directed to the sheriff or any constable of such county, authorizing and commanding him forthwith to arrest and bring before him or in his absence, some other justice of the peace within such

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county, the person or persons alleged to have been guilty of violating any of the foregoing sections.

§ 4. [JUSTICE TO HEAR COMPLAINT.] Whenever any person or persons shall be brought before any justice of the peace in the manner provided for in this act, for a violation of any of the preceeding sections of this act, it shall be the duty of such justice of the peace to hear and determine the complaint.

§ 5. [FINE.] Any person or persons found guilty of violating any of the preceding sections of this act, shall each be fined by the justice before whom such offense shall be tried in a sum not less than five nor more than thirty dollars, and costs of such proceeding for the first offense, and for any subsequent offense in any sum not exceeding one hundred dollars and costs.

§ 6. [FISHING ON ENCLOSURES OF OTHERS—FINE.] Any person or persons trespassing upon the enclosed lands of another, without the consent of the owner, for the purpose of fishing, shall be deemed guilty of a misdemeanor, and fined in a sum not more than ten dollars and costs of such proceeding, such fine and costs to be enforced in the same manner as in the preceding sections of this act; *Provided*, that only the owners, occupants or authorized agents of such lands, shall make complaint under this section.

§ 7. [SUITS IN NAME OF PEOPLE—FINE TO WHOM PAID—APPEAL.] All suits commenced under this act shall be in the name of the people of the State of Illinois, and when any judgment shall be rendered against any person or persons offending against any of the preceding sections of this act, execution shall issue forthwith on such judgment and the sheriff or constable to whom the same may be directed, shall pay one-half of all penalties collected on such execution, in payment of such judgment, to the person who shall have made such complaint and the remaining half of all such moneys to the superintendent of schools of the county wherein such offense shall have been committed and such judgment rendered, when the same shall form a part of the common school fund of such county. *Provided*: nothing in this section shall deprive the party defendant of the right to appeal.

§ 8. [EXECUTION AGAINST THE PERSON.] For the purpose of enforcing the provisions of this act, it is hereby declared that any execution issued as provided for in this act, and if returned, "not satisfied" the justice issuing the same, or in case of his death or absence, any other justice of the peace in such county, shall issue his warrant to the sheriff or any constable of such county commanding him to take, carry and deliver the person or persons against whom such execution may have issued to the jailor of such county, who shall receive such person or persons into his custody and commit him or them to the common jail of such county, or to the workhouse of such county, wherever one exists, for a period of not less than five nor more than thirty days, as the justice shall in his warrant direct, *provided* such person or persons so arrested may at any time be discharged upon the payment of any such fine and costs.

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§ 9. [EXCEPTION.] Nothing herein shall be construed to prevent any person from taking fish in any manner and at any time for spawning purposes, by obtaining the consent of the owner of the premises where such fish are taken, if taken upon the enclosed premises of another. All laws and parts of laws in conflict with this act, are hereby repealed.

§ 10. [EMERGENCY.] WHEREAS, an emergency exists, therefore this act, shall be in effect from and after its passage.

APPROVED May 13th, 1879.

FISH WAYS.

§ 1. Fish ways.

AN ACT *to amend section one* (1) *of an act entitled "An act to prevent the destruction of fish in the State of Illinois, and to secure the unobstructed passage of fish in all the waters of this State, wherein they were once accustomed to be found," approved March* 22, 1872; *in force July* 1, 1872. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one (1) of an act entitled "An act to prevent the destruction of Fish in the State of Illinois, and to secure the unobstructed passage of Fish in all the waters of this State, wherein they were once accustomed to be found," approved March 22, 1872, in force July 1, 1872, be amended so as to read as follows:

§ 1. [FISH WAYS.] That no person shall place, erect, or cause to be placed or erected, any dam, seine, net, weir fish dam, or other obstruction in or across any of the rivers, creeks, streams, ponds, lakes, sloughs, bayous or other water courses wholly within this State, or in that part of such stream or water course wholly within this State, in such manner as shall hinder or obstruct the free passage of fish up or down or through such waters or water courses; and that from and after the adoption of this act it shall be unlawful for any person to use any seine or net for the purpose of catching fish, except minnows, in any of the waters of this State, the meshes of whose seine is less than two inches. *Provided,* that it shall be unlawful for any person to catch or take any fish, other than small fish for bait, with any net, seine, wire basket, trap, or any other device whatever, except with a hook and line or spear, within one-half mile of any dam constructed across any of the rivers or creeks of this State.

APPROVED May 31st, 1879.

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FISH—OBSTRUCTING PASSAGE OF.

§ 1. Not to obstruct passage of fish—nets. | § 2. Disposition of fines.

AN ACT *to amend an act entitled "An Act to secure the free passage of fish in all the waters of this State," approved March* 25, 1874, *in force July* 1, 1874. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section 1, of an act entitled "An act to secure the free passage of fish in all the waters of this State," approved March 25, 1874, in force July 1, 1874, be so amended as to read as follows:

§ 1. [NOT TO OBSTRUCT PASSAGE OF FISH—NETS.] That it shall be the duty of any person or persons who now own, or may hereafter erect any dam or other obstruction across any of the rivers, creeks, streams, ponds, lakes, sloughs, bayous, or other water courses within this State, to place therein suitable fishways, in order that the free passage of fish up or down through such waters may not be obstructed. And any person failing to provide such fishways shall be subject to a fine not exceeding $200, per year to be recovered before any justice of the peace in the county or counties where such dam or obstruction may be placed: *Provided*, that this act shall not apply to streams, ponds, lakes, sloughs or bayous, that may be obstructed or closed by work or works done under the act of July 1, 1871, entitled "An act to provide for the construction and protection of drains, ditches, levees and other works, or under any act relating to the construction and protection of drains, ditches, levees and other works, now in force or to be hereafter passed.

§ 2. [DISPOSITION OF FINES.] All fines recovered under this act, shall go into the general school fund of the county wherein such fines may be inflicted.

APPROVED May 31st, 1879.

FISH—PROPAGATION OF.

§ 1. Creates board of commissioners.
§ 2. Duties.
§ 3. Expenses—how paid.

AN ACT *entitled An Act to establish a Board of Commissioners to Increase the Product of the Fisheries, by Artificial Propagation and Cultivation. Approved May* 13, 1879. *In force July* 1, 1879.

SECTION 1. [BOARD OF COMMISSIONERS CREATED.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That it shall be the duty of the Governor, by and with the advice and consent of the Senate, to appoint three persons residents of this State, who shall constitute a Board of Fish Commissioners. The persons so appointed shall hold their office, for the respective

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terms of one, two and three years, the Governor designating the term each member shall serve as said commissioner from the time of their first appointment, and their successors to be appointed at the expiration of the several terms of office, and shall each hold their terms of office for three years.

§ 2. [DUTIES.] It shall be the duty of the persons so appointed to select suitable locations for State fish hatching and breeding establishments, take all measures within their means for propagation and increase of the native food fishes, and also for the introduction of new varieties of food fishes into the public waters of the State, upon the best terms possible; to employ a practical and competent fish culturist as a superintendent who shall have general charge and care of such establishments, and perform all such duties as the commissioners shall direct. Said Board shall not receive any compensation for their services, but shall be reimbursed their actual expenditures for traveling and hotel expenses, not to exceed in any event the sum of three hundred dollars per annum for the entire Board: *Provided*, that if no appropriation be made no expenses shall be incurred.

§ 3. [EXPENSES—HOW PAID.] The said commissioners or any two of them shall have authority to draw upon the State Treasurer from any appropriation made in pursuance of the purposes of this bill, as the same may be required, to defray expenses incurred, and shall report to the Governor of the State, all and singular the items of such expenditures together with the business transacted under their commission, such report to be made on or before the commencement of each fiscal year.

APPROVED May 13th, 1879.

FORCIBLE ENTRY AND DETAINER.

§ 18. Appeal—writ of restitution—bond.

AN ACT *to amend section one* (1) *of an act entitled "An act to amend sections* 18 *and* 20 *of an act entitled "An act in regard to forcible entry and detainer,' approved and in force February* 16, 1874, *approved May* 24, 1877. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section one (1) of an act entitled "An act to amend sections 18 and 20 of an act entitled "An act in regard to forcible entry and detainer," approved and in force February 16, 1874, approved May 24, 1877, be amended so as to read as follows:

§ 18. [APPEAL—WRIT OF RESTITUTION—BOND.] If any party shall feel aggrieved by the verdict of the jury or decision of the court,

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upon any trial had under this act, such party may have an appeal, to be taken to the same courts, in the same manner and tried in the same way as appeals are taken and tried in other cases. *Provided*, the appeal is prayed and bond is filed within five (5) days from the rendition of the judgment, and no writ of restitution, shall be issued in any case until the expiration of said five (5) days.

APPROVED May 31st, 1879.

GAME.

§ 1. When game not to be killed.
§ 2. When unlawful to buy or have in possession.
§ 3. What birds not to be killed
§ 4. Robbing nests of game birds.
§ 5. Trapping birds.
§ 6. Selling, etc., after five days.
§ 7. Exceptions.
§ 8. Suits—disposition of fines.
§ 9. Limitation.
§10. Repeal.

AN ACT *to revise and consolidate the several acts relating to the protection of game, and for the protection of deer, wild fowl and birds. Approved May* 14, 1879. *In force July* 1, 1879.

SECTION 1. [WHEN GAME NOT TO BE KILLED.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That it shall be unlawful for any person or persons to hunt or pursue, kill or trap, net or ensnare, or otherwise destroy any wild buck, doe or fawn, or wild turkey, between the fifteenth (15) day of January and the first (1) day of September, of each and every year; or any pinated grouse or prairie chicken, between the first (1) day of December and the fifteenth (15) day of August of the succeeding year; or any quail or ruffed grouse between the first (1) day of January and the first (1) day of October of each and every year, or any wild goose, duck, brant or other water fowl, between the first (1) day of May and the fifteenth (15) day of August of each and every year. And it shall further be unlawful to shoot, kill or destroy, or attempt to shoot, kill or destroy any wild goose, duck, brant or other wild fowl during the night time at any season of the year; or any woodcock between the first (1) day of January and the fourth day of July in each and every year. And any person so offending shall, for each and every offense be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than five dollars nor more than twenty-five dollars and costs of suit, and shall stand committed to the county jail until such fine is paid. *Provided*, that such imprisonment shall not exceed ten days, and the killing of each bird or animal as specified herein, shall be deemed a separate offense.

§ 2. [WHEN UNLAWFUL TO BUY OR HAVE IN POSSESSION.] It shall be unlawful for any person to buy, sell, or have in possession any of the animals, wild fowls or birds mentioned in section one of this act, at any time when the trapping, netting or ensnaring of such animals,

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wild fowls or birds shall be unlawful, which shall have been entrapped, netted or ensnared contrary to the provisions of this act, and any person so offending, shall, on conviction be subject to the same fines and penalties to be enforced and collected in the same manner as is provided in section one of this act.

§ 3. [WHAT BIRDS NOT TO BE KILLED.] No person shall, at any time, within this State, kill or attempt to trap, net, ensnare, destroy or kill any robin, blue-bird, swallow, martin, mosquito-hawk, whipoorwill, cuckoo, wood-pecker, cat-bird, brown-thrasher, red bird, hanging bird, buzzard, sparrow, wren, humming bird, dove, goldfinch, mocking bird bluejay, finch, thrush, lark, cherry bird, yellow bird, oriole or bobolink, nor rob or destroy the nests of such birds, or either or any of them. And any person so offending shall, on conviction, be fined the sum of five dollars for each and every bird so killed, and for each and every nest robbed or destroyed: *Provided*, that nothing in this section shall be construed to prevent the owner or occupant of lands from destroying any of the birds herein named on the same, when deemed necessary by him for the protection of fruits or property.

§ 4. [ROBBING NESTS OF GAME BIRDS.] It shall be unlawful for any person or persons to destroy or remove from the nests of any prairie chicken, grouse or quail, wild turkey, goose or brant, any egg or eggs of such fowl or birds, or for any person to buy, sell, have in possession, or traffic in such eggs, or wilfully destroy the nest of such birds or fowls, or any or either of them. And any person so offending shall, on conviction, be fined and dealt with as specified in section three (3) of this act.

§ 5. [TRAPPING BIRDS.] No person or persons shall at any time, with a trap, snare or net, take or attempt to trap, snare or net any wild turkey, prairie chicken, quail grouse or pheasant at any time, and every person so offending shall, on conviction, be fined in a sum not less than five dollars, nor more than twenty-five dollars, and costs of suit, and shall stand committed to the county jail until such fine is paid: *Provided*, that such imprisonment shall not exceed fifteen days.

§ 6. [SELLING, ETC. AFTER FIVE DAYS.] No person or persons shall sell or expose for sale, or have in his or their possession, for the purpose of selling or exposing for sale, any of the animals, wild fowls or birds mentioned in section one (1) of this act, after the expiration of five (5) days next succeeding the first day of the period in which it shall be unlawful to kill, trap, or ensnare such animals, wild fowls or birds. Any person so offending shall, on conviction, be fined and dealt with as specified in section one (1) of this act, and selling or exposing for sale or having the same in possession for the purpose of selling or exposing for sale any of the animals or birds mentioned in this section, after the expiration of the time mentioned in this section, shall be *prima facie* evidence of the violation of this act: *Provided*: that the provisions of this act shall not apply to the killing of birds by or for the use of taxidermists for preservation either in public or private collections, if so preserved.

§ 7. [EXCEPTIONS.] The provisions of this act shall not be construed as applicable to any express company or common carrier, into whose

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possession any of the animals, wild fowls or birds herein mentioned shall come in the regular course of their business, for transportation, whilst they are in transit through this State from any place without this State where the killing of said animals, wild fowl or birds shall be lawful. But notwithstanding this provision, the having or being in possession of any such animals, wild fowl or birds, as are mentioned in section one (1), upon any of the days upon which the killing, entrapping, ensnaring, netting, buying, selling, or having in possession any such animals, wild fowl or birds, shall be unlawful by the provisions of this act, shall be deemed and taken as *prima facie* evidence that the same was ensnared, trapped, netted, or killed in violation of this act.

§ 8. [SUITS—DISPOSITION OF FINES.] All prosecutions under the provisions of this act shall be brought by any person, in the name of the People of the State of Illinois, against, any person or persons violating any of the provisions of this act, before any justice of the peace of the county in which such violation is alleged to have taken place, or before any court of competent jurisdiction; and it is hereby made the duty of the States Attorneys to see that the provisions of this act are enforced in their respective counties, and they shall prosecute all offenders on receiving information of the violation of any of the provisions of this act; and it is made the duty of sheriffs, deputy sheriffs, constables and police officers to inform against and prosecute all persons whom there is probable cause to believe are guilty of violating any of the provisions of this act, one-half the amount recovered in any penal action under the provisions of this act shall be paid to the person filing the complaint in such action, and the remaining one-half to the school fund of the township in which this act has been violated.

§ 9. [LIMITATION.] All prosecutions under this act shall be commenced within three months from the time such offense was committed and not afterwards.

§ 10. [REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

APPROVED May 14th, 1879.

GARNISHMENT.

§ 1. Wages exempt.

AN ACT *to amend Section Fourteen of "An Act in regard to Garnishment." Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section 14 of an act entitled "An Act in regard to Garnishment," approved March 9, 1872, and in

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force July 1, 1872, be and the same is hereby amended so as to read as follows:

§ 14. [$50 WAGES EXEMPT.] The wages and services of a defendant being the head of a family, and residing with the same, to an amount not exceeding fifty dollars ($50), shall be exempt from garnishment. In case the wages or services of such defendant, in the hands of a garnishee, shall exceed fifty dollars ($50), judgment shall be given only for the balance above that amount.

APPROVED May 31st, 1879.

TRANSCRIPT TO OTHER COUNTIES.

§ 1. Transcript to another county.
§ 2. Satisfaction of judgment.
§ 3. Fees.

AN ACT *to revise and enlarge the law in relation to garnishments in justices courts. Approved June* 4, 1879. *In force July* 1, 1879.

SECTION 1. [TRANSCRIPT FILED IN ANOTHER COUNTY—GARNISHMENT.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That whenever a judgment shall be rendered by any Justice of the Peace in any county of this State and not appealed from, and an execution against the defendant in such judgment shall be returned by the proper officer, "no property found," it shall and may be lawful for the plaintiff, his agent or attorney, to file a transcript of said judgment (including the issuing and return of said execution), properly certified to by the justice of the peace before whom said judgment was obtained accompanied with a certificate from the county clerk, that the justice issuing such transcript is an acting justice of the peace, with any other justice of the peace of any other county in the State, and the same to be spread upon his docket—and the same proceedings in regard to Garnishment had thereon that might have been had before the justice who rendered the original judgment.

§ 2. [SATISFACTION OF JUDGMENT—ENTRY BY BOTH JUSTICES.] But one satisfaction shall be had; and if the Justice of the Peace to whom said transcript shall be sent, shall render a judgment against any garnishee summoned according to law, and if said judgment shall be wholly or in part satisfied, then the justice of the peace shall so certify such fact to the justice of the peace who rendered the original judgment, and the same entered upon his docket as to what amount has been paid on said judgment; and if wholly paid, then both dockets shall show such fact.

§ 3. [FEES.] The same fees shall be allowed such justices of the peace as are now allowed by law on transcripts in appeals, and docketing suits, and all other fees the same as are now allowed by law in like procedings, and to be paid in the same way and manner.

APPROVED June 4th, 1879.

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HOUSES OF CORRECTION.

§ 1. Cities may establish
§ 5. Books—quarterly statement—accounts.
§ 8. County may use house of correction.
§ 9. Commitment.

AN ACT *to amend "An act to establish houses of correction and authorize the confinement of convicted persons therein," approved April* 25, 1871; *in force July* 1, 1871. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That sections one (1), five (5) and eight (8) of An act to establish houses of correction and authorize the confinement of convicted persons therein," shall be, and are, hereby amended so that said sections, as amended, shall read respectively as follows:

"§ 1. [CITIES MAY ESTABLISH.] It shall be lawful for the municipal authorities, of any city within this State to establish a house of correction, which shall be used for the confinement and punishment of criminals, or persons sentenced or committed thereto under the provisions of this act, or any law of this State, or ordinance of any city or village, authorizing the confinement of convicted persons, in any such house of correction."

"§ 5. [BOOKS—QUARTERLY STATEMENT—ACCOUNTS.] The books of said house of correction shall be so kept as to clearly exhibit the state of the prisoners, the number received and discharged, the number employed as servants or in cultivating or improving the premises, the number employed in each branch of industry carried on, and the receipts from, and expenditures for, and on account of, each department of business, or for improvement of the premises. A quarterly statement shall be made out, which shall specify minutely, all receipts and expenditures, from whom received, and to whom paid, and for what purpose; proper vouchers for each, to be audited and certified by the inspectors, and submitted to the comptroller of said city, and by him, to the legislative authority thereof, for examination and approval. The accounts of said house of correction shall be annually closed and balanced on the first day of January of each year, and a full report of the operations of the preceding year, shall be made out and submitted to the legislative authority of said city, and to the Governor of the State to be by him transmitted to the General Assembly."

"§ 8. [COUNTY MAY USE HOUSE OF CORRECTION.] The board of supervisors or commissioners of any county, and the board of trustees of any village or town, in any county in this State, in which a house of correction is established, shall have full power and authority to enter into an agreement with the legislative authority of such city, or with any authorized agent or officer in behalf of such city, to receive and keep in said house of correction, any person or persons who may be sentenced or committed thereto, by any court or magistrate, in any of said counties, whenever such agreement shall have been made, it shall be the duty of the board of supervisors or commissioners for any county in behalf of which, such agreement shall have been made, or

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of the trustees of the village or town, in behalf of which, such agreement has been made, as the case may be, to give public notice thereof, in some newspaper printed and published within said county, for a period not less than four weeks, and such notice shall state the period of time for which such agreement will remain in force."

"§ 9. [COMMITMENT.] In counties, towns and villages having such agreement with any such city, it shall be the duty of every court, police justice, justice of the peace, or other magistrate in such county, town or village, by whom any person, for any crime or misdemeanor, punishable by imprisonment in the county jail, shall be convicted, to commit such person to the said house of correction, in lieu of committing him to the county jail, village or town calaboose, there to be received, and kept in the manner prescribed by law, and the discipline of said house of correction. And it shall be the duty of such court, police justice, justice of the peace, or other magistrate, by a warrant of commitment, duly issued, to cause such person so sentenced, to be forthwith conveyed by some proper officer to said house of correction.

APPROVED May 31st, 1879.

INSURANCE.

WHO MAY INCORPORATE.

§ 1. Who may incorporate.
§ 2. Extends to companies already incorporated.

AN ACT *to amend section one* (1) *of an act entitled "An act to incorporate and to govern fire, marine and inland navigation insurance companies doing business in the State of Illinois," approved March* 11, 1869, *and to fix the liability of certain insurance companies organized under said act. Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section one (1) of an act entitled "An act to incorporate and to govern fire, marine and inland navigation insurance companies doing business in the State of Illinois," approved March 11, 1869, be and the same is hereby amended so as to read as follows:

§ 1. [WHO MAY INCORPORATE—PURPOSES.] That any number of persons, not less than thirteen, may associate and form an incorporated company for the following purposes, to-wit: To make insurance on dwelling houses, stores and all kinds of buildings, and upon household furniture and other property, against loss or damage by fire or lightning, and the risks of inland navigation and transportation Any and all insurance companies hereafter incorporated under the provisions of this act, which shall, in the declaration and charter provided to be

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filed, have expressed an intention to make insurance, or which shall have power to make insurance against loss or damage by the risks of inland navigation or transportation, shall have power to make insurance upon vessels, boats, cargoes, goods, merchandise, freights and other property against loss and damage by all or any of the risks of lake, river canal and inland navigation and transportation.

§ 2. [AUTHORITY TO COMPANIES ALREADY INCORPORATED.] Any company heretofore incorporated under the provisions of this act which shall, in the declaration and charter filed in accordance with the provisions of said act, have expressed an intention to make insurance against loss or damage by fire, is hereby authorized to insure, also, against loss or damage by lightning; and in all cases wherein any such company has heretofore insured against loss or damage by lightning such insurance shall be binding on such company.

APPROVED May 31st, 1879.

ASSESSMENT.

§ 1. Tax on net receipts.

AN ACT *to amend section thirty* (30) *of an act entitled "An act to incorporate and to govern fire, marine and inland navigation insurance companies, doing business in the State of Illinois," approved March* 11, 1869. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section thirty (30) of an act entitled "An act to incorporate and to govern Fire, Marine and Inland Navigation Insurance Companies, doing business in the State of Illinois," approved March 11, 1869, be and the same is hereby so amended as to read as follows:

§ 30. [TAX ON NET RECEIPTS.] Every agent of any insurance company, incorporated by the authority of any other State or government, shall return to the proper officer of the county, town or municipality in which the agency is established, in the month of May, annually, the amount of the net receipts of such agency for the preceding year, which shall be entered on the tax lists of the county, town and municipality, and subject to the same rate of taxation, for all purposes, State, county, town and municipal—that other personal property is subject to at the place where located; said tax to be in lieu of all town and municipal licenses; and all laws and parts of laws inconsistent herewith are hereby repealed: *Provided*, that the provisions of this section shall not be construed to prohibit cities having an organized fire department from levying a tax, or license fee, not exceeding two per cent. in accordance with the provisions of their respective charters, on the gross receipts of such agency, to be applied exclusively to the support of the fire department of such city.

APPROVED May 31st, 1879.

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COMPLIANCE WITH GENERAL LAW.

§ 1. Compliance with general law.

AN ACT *to compel all Insurance Companies of other States and countries, doing any kind of insurance business in this State, other than life, to comply with the general fire and marine insurance laws of this State, and to require deposits of plate glass, accident and steam boiler insurance companies. Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. [COMPLIANCE WITH GENERAL LAW.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That every insurance company, or association incorporated by or organized under the laws of any other State, or any foreign government must comply with the requirements of the general insurance laws of this State, governing fire, marine, and inland navigation insurance companies, doing business in the State of Illinois. Before it shall be lawful for such company or association, to take risks or transact any kind of insurance business in this State, other than that of life insurance, and such companies or associations, and all persons acting as agents thereof, shall be subject to the same penalties prescribed therein, for a violation of any of the provisions thereof. *Provided,* that no plate-glass, accident or steam-boiler insurance company, shall be required to have a larger capital than one hundred thousand dollars actually paid up, nor shall any such company be authorized to transact business in this State, without having previously deposited with the State Treasurer of this State, or with the chief financial officer or commissioner of insurance of the State, where such company is organized, securities, duly assigned to such officers, in trust for the benefit of all its policy holders, the market value of which shall at all times be equal to one hundred thousand dollars. Said deposit shall consist of such like securities, as fire insurance companies are by the general insurance laws of this State authorized to invest in.

APPROVED May 31st, 1879.

STATEMENT—FINANCIAL STANDING.

§ 1. Representation of assets.
§ 2. Statement of financial standing—cash capital.
§ 3. Exception.
§ 4. Penalty for violation of act.
§ 5. Auditor of public accounts—duty.
§ 6. Repeal.

AN ACT *to prevent Fire Insurance Companies from advertising as assets anything not available for the payment of losses by fire. Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. [REPRESENTATION OF ASSETS.] *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That it shall not be lawful for any company, corporation, association, indi

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vidual or individuals, now transacting, or now or hereafter authorized under any existing or future laws of this State, to transact the business of fire insurance within this State, to state or represent, either by advertisement in any newspaper, magazine or periodical, or by any sign circular, card, policy of insurance, or certificate of renewal thereof, or otherwise, any funds or assets to be in possession of any such company, corporation, association, individual or individuals, not actually possessed by such company, corporation, association individual or individuals, and available for the payment of losses by fire, for the protection of holders of policies of fire and marine insurance.

§ 2. [STATEMENT OF FINANCIAL STANDING—CASH CAPITAL.] Every advertisement or public announcement, and every sign circular or card, hereafter made or issued by any company, corporation, association, individual or individuals, or any officer, agent, manager or legal representative thereof now or hereafter authorized by any existing or future laws of this State, to transact the business of fire insurance within this State, which shall purport to make known the financial standing of any such company, corporation, association, individual or individuals shall exhibit the capital actually paid in, in cash, and the amount of net surplus of assets as allowed by the Auditor of Public Accounts of the State of Illinois, over all liabilities of such company, corporation, association, individual or individuals, actually available for the payment of fire and marine losses, and for the protection of holders of their policies of fire insurance, including in such liabilities the fund reserved for re-insurance of outstanding risks, and shall correspond with the verified statement made by the company, corporation, association, individual or individuals, making or issuing the same, to the insurance department of this State next preceding the making or issuing of the same; but no such advertisement in any of the forms herein expressed shall include or contain any declaration or statement respecting any authorized or subscribed capital, save only so much thereof as shall have been actually paid in in cash and possessed by the company.

§ 3. [EXCEPTION.] Nothing in this act shall be construed to prohibit any insurance company, or association from publishing in any policy or certificate of renewal thereof a single item showing the amount of their authorized or subscribed capital as set forth in their charter, act of incorporation, deed of settlement, or articles of association, under which they are authorized to transact the business of insurance; provided, however, That such publication shall be made only upon such policies or certificates of renewal as shall be already printed and contain the same at the time of the passage of this act, and further provided that no such publication shall be made in any such policy or certificate, unless the same shall be issued within six months from the passage of this act.

§ 4. [PENALTY FOR VIOLATION OF ACT.] Any violation of any provision of this act, shall, for the first offense, subject the company, corporation, association, individual or individuals, guilty of such violation, to a penalty of five hundred dollars, to be sued for and recovered in the name of the people of the State of Illinois, with costs and expenses of such prosecution, by the States Attorney of any county

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in which the company, corporation, association, individual or individuals, shall be located, or may transact business or in any county where such offense may be committed, and such penalty, when recovered, shall be paid into the treasury of such county for the benefit of the common school fund of such county. Every subsequent violation shall subject the company, corporation, association, individual or individuals, guilty of such violation, to pay a penalty of not less than one thousand dollars, which shall be sued for, recovered and disposed of, in like manner as for the first offense.

§ 5. [AUDITOR OF PUBLIC ACCOUNTS—DUTY.] It shall be the duty of the Auditor of Public Accounts to take cognizance of the provisions of this act, and to bring such violations to the attention of any company in respect to which such violation shall be committed, and in case of persistent violations of such provisions in respect to any company, it shall be his duty if the company be chartered by this State to report the same to the Attorney General for dissolution; and if it be a company incorporated by any other State or country, it shall be his duty to revoke its authority to do business in this State.

§ 6. [REPEAL.] All acts or parts of acts inconsistent herewith are hereby repealed.

APPROVED May 31st, 1879.

FOREIGN COMPANIES.

§ 1. Foreign Companies to have license, etc.
§ 2 License.
§ 3. Revocation.
§ 4. Penalty for violation of act.
§ 5. Repeal.

AN ACT *for the better regulation of the business of insurance, and for the protection of the citizens of this State, in their dealings with insurance companies. Approved June* 4, 1879. *In force July* 1, 1879.

SECTION 1. [FOREIGN COMPANIES—TO HAVE LICENSE—REMOVAL OF SUITS TO UNITED STATES COURTS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* It shall not be lawful for any insurance company, association or partnership incorporated by, or organized under the laws of any other State of the United States, or of any foreign government for the purpose of insuring against loss or damage by fire, or against the risks of inland navigation or transportation, or for the purpose of life insurance, or for the purpose of insuring persons against accidents, to take risks or to transact any business whatever, authorized by its charter within this State, until it shall have complied with the following requirements, in addition to those already imposed by existing law; It shall first file with the Auditor of Public Accounts a written application for a license to do business in this State, duly signed by its president and secretary, with its corporate seal attached, which statement shall con-

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tain the following declarations: that it desires to transact the business of Insurance in this State; that it will accept a license therefor according to the laws of this State, and that said license shall cease and terminate in case, and whenever it shall remove or make application to remove into any United States Court, any action or proceeding commenced in any of the State courts, of this State, upon any claim or cause of action arising out of any business transaction, in fact, done in this State; any permission, consent, agreement, condition or provision incorporated in any contract, mortgage note bond, obligation or policy of insurance authorizing or consenting to such removal, to the contrary notwithstanding.

§ 2. [LICENSE.] Upon complying with the requirements of section one (1) of this act together with all other requirements now imposed by existing law, The Auditor of Public Accounts shall issue to such incorporated company, association or partnership a license to transact its business in this State, and no such license shall be issued until all of said requirements shall have been complied with; and no such incorporated company association or partnership shall carry on the business for which it may have been incorporated, within this State until it shall have obtained such license: The fee for such license shall be the same as that provided for by existing law, to be paid by the incorporated company, association or partnership so securing such license.

§ 3. [REVOCATION.] If any such incorporated company association or partnership shall remove, or make application to remove into any United States Court, any action or proceeding commenced in any State Court of this State upon a claim or cause of action arising out of any business, or transaction in fact done in this State although there may have been a stipulation authorizing such removal, or if it shall violate, or fail to comply with, any of the other requirements or conditions now imposed by existing law, it is hereby made the imperative duty of the Auditor of Public Accounts, at once to revoke, cancel and annul the license issued to such incorporated company, association or partnership; and thereafter no such incorporated company, association or partnership shall transact within this State any of the business for which it was incorporated, until again duly licensed. In case such revocation of license shall be made because of the removal of, or the attempt to remove any action from a State court of this State to any United States Court no renewal of such license shall be made within three years after such revocation. Whenever any such license shall be revoked, the Auditor of Public Accounts shall give notice of such revocation by mail, to the president and secretary of such corporation and shall also cause a notice of the same to be published three times in some weekly public newspaper published in the city of Springfield. A certified copy of the order of removal, shall be sufficient evidence of the removal of any cause.

§ 4. [PENALTY FOR VIOLATION OF ACT.] Any such incorporated company, association or partnership, which shall transact its business in this State in violation of the provisions of this act, shall together with the agent or agents so unlawfully transacting said business jointly

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and severally be subject to a penalty of five hundred dollars ($500) to be sued for and recovered in the name of the people of the State of Illinois, by the States attorney of the county in which such agent or agents may reside, and one-half of said penalty, when recovered shall be paid into the treasury of said county, the other half to the informer of such violation: *Provided however:* that any company, whose license may have been revoked as aforesaid shall thereafter be permitted to transact such business as may be absolutely necessary to wind up its business in this State and none other: *Provided further*, that nothing in this act contained shall be construed to prevent the filing of an information in the nature of a quo warranto against such corporations so violating the provisions of this act.

§ 5. [REPEAL.] All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

APPROVED June 4th, 1879.

INTEREST.

§ 1. On loan, etc., of money.
§ 2. On money after due.
§ 3. On judgment, award, etc.
§ 4 Eight per cent. contracted for.
§ 5. No greater rate.
§ 6. Penalty.
§ 7. Usury must be pleaded.
§ 8. Rate on contracts
§ 9. Construction.
§ 10. Computation of time.
§ 11. Corporation not to plead usury.
§ 12. Repeal.

AN ACT *to revise the law in relation to the rate of interest, and to repeal certain acts therein named. Approved May* 24, 1879. *In force July* 1, 1879.

SECTION 1. [ON LEAN OR FORBEARANCE OF MONEY, ETC.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the rate of interest upon the loan or forbearance of any money, goods, or thing in action, shall continue to be six dollars ($6) upon one hundred (100) dollars for one year, and after that rate for a greater or less sum, or for a longer or a shorter time, except as herein provided.

§ 2. [ON MONEY AFTER DUE, ETC.] Creditors shall be allowed to receive at the rate of six (6) per centum per annum, for all moneys after they become due on any bond, bill, promissory note, or other instrument of writing; on money lent or advanced for the use of another, on money due on the settlement of account from the day of liquidating accounts between the parties and ascertaining the balance, on money received to the use of another, and retained without the owners knowledge, and on money withheld by an unreasonable and vexatious delay of payment.

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§ 3. [ON JUDGMENT, AWARD, REPORT, VERDICT.] Judgments recovered before any court or magistrate shall draw interest at the rate of six (6) per centum per annum, from the date of the same until satisfied. When judgment is entered upon any award, report or verdict, interest shall be computed at the rate aforesaid, from the time when made or rendered to the time of rendering judgment upon the same, and made a part of the judgment.

§ 4. [EIGHT PER CENT. MAY BE CONTRACTED FOR.] In all written contracts it shall be lawful for the parties to stipulate or agree that eight (8) per cent, per annum, or any less sum of interest, shall be taken and paid upon every one hundred (100) dollars of money loaned, or in any manner due and owing from any person or corporation to any other person or corporation in this State, and after that rate for a greater or less sum, or for a longer or shorter time, except as herein provided.

§ 5. [NO GREATER RATE SHALL BE CONTRACTED FOR.] No person or corporation shall directly or indirectly, accept or receive, in money, goods, discounts, or thing in action, or in any other way, any greater sum or greater value, for the loan, forbearance or discount of any money, goods or thing in action, than as above prescribed.

§ 6. [PENALTY FOR CONTRACTING FOR MORE THAN EIGHT PER CENT.] If any person or corporation in this State shall contract to receive a greater rate of interest or discount than eight (8) per cent, upon any contract, verbal or written, such person or corporation, shall forfeit the whole of said interest so contracted to be received, and shall be entitled only to recover the principal sum due to such person or corporation; And all contracts executed after this act shall take effect, which shall provide for interest or compensation at a greater rate than herein specified, on account of non-payment at maturity, shall be deemed usurious, and only the principal sum due thereon shall be recoverable.

§ 7. [USURY MUST BE PLEADED.] The defense of usury shall not be allowed in any suit, unless the person relying upon such defense shall set up the same by plea, or file in the cause a notice in writing, stating that he intends to defend against the contract sued upon or set off, on the ground that the contract is usurious.

§ 8. [RATE ON CONTRACT BETWEEN CITIZENS OR CORPORATIONS OF THIS STATE, OR A CITIZEN OR CORPORATION OF THIS STATE AND A CITIZEN OR CORPORATION OF ANY OTHER STATE.] When any written contract wherever payable, shall be made in this State, or between citizens or corporations of this State, or a citizen or corporation of this State, and a citizen or corporation of any other State, territory or country, (or shall be secured by mortgage or trust deed on lands in this State), such contract may bear any rate of interest allowed by law, to be taken or contracted for by persons or corporations in this State, or which is or may be allowed by law on any contract for money due or owing in this State. *Provided, however*, that such rate of interest shall not exceed eight per cent per annum. And if any such person or corporation shall contract to receive a greater rate of interest or discount than eight per cent upon any such contract, such

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person or corporation shall forfeit the whole of said interest so contracted to be received, and shall be entitled only to recover the principal sum due to such person or corporation.

§ 9. [CONSTRUCTION.] Whenever, in any statute, act, deed, written or verbal, contract, or in any public or private instrument whatever, any certain rate of interest is or shall be mentioned, and no period of time is stated for which such rate is to be calculated, interest shall be calculated at the rate mentioned, by the year, in the same manner as if "per annum" or "by the year" had been added to the rate.

§ 10. [COMPUTATION OF TIME.] In all computations of time, and of interest and discounts, a month shall be considered to mean a calendar month, and a year shall consist of twelve calendar months; and in computations of interest or discount for any number of days less than a month, a day shall be considered a thirtieth part of a month, and interest or discount shall be computed for such fractional parts of a month upon the ratio which such number of days shall bear to thirty.

§ 11. [CORPORATION NOT TO PLEAD USURY.] No corporation shall hereafter interpose the defense of usury in any action.

§ 12. [REPEAL.] That an act entitled, "An act to revise the law in relation to the rate of interest," approved March 25, 1874, and an act entitled "An act to amend section eight (8) of an act entitled "an act to revise the law in relation to the rate of interest," approved March 25th, A. D. 1874, approved March 3, 1875, be and the same are hereby repealed. But this section shall not be construed, so as to effect any rights that may have accrued or suits that may be pending when it shall take effect.

APPROVED May 24th, 1879.

GAS COMPANIES TO PAY.

§ 1. Gas companies to pay on deposits.

AN ACT *to compel Gas Companies to pay interest on deposits made by parties at the request of such companies. Approved May* 29, 1879. *In force July* 1, 1879.

SECTION 1. [GAS COMPANIES TO PAY ON DEPOSITS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all gas companies, persons or associations engaged in manufacturing gas for public or private use in this State, who shall require any person, corporation or association of persons to deposit any sum or sums of

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money with such gas company, person or association, so furnishing gas, for any purpose whatever, such company, person or association with whom such money may be deposited shall pay to the party making such deposit, annually, interest on such deposit at the rate of five (5) per cent, per annum.

APPROVED May 29th, 1879.

JUDGMENTS, DECREES, ETC.

§ 18. Redemption by defendant, etc.
§ 20. Redemption by creditor, etc.
§ 21. When only redemption money bid.

AN ACT *to amend section eighteen* (18) *of an act entitled, "An act in regard to judgments and decrees, and the manner of enforcing the same by execution, and to provide for the redemption of real estate sold under execution or decree," approved March* 22, 1872, *(as amended by act approved April 29th,* 1873, *and in force July* 1, 1873), *and also to amend sections twenty* (20) *and twenty-one* (21) *of said act, approved March* 22, 1872. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section eighteen (18) of an act entitled "An act in regard to judgments and decrees, and the manner of enforcing the same by execution, and to provide for the redemption of real estate sold under execution or decree," approved March 22, 1872, (as amended by act approved April 29th, 1873, and in force July 1, 1873, and also sections twenty (20) and twenty-one (21) of said act, approved March 22, 1872, be and the same are hereby amended so as to read respectively as follows:

§ 18. [REDEMPTION BY DEFENDANT, ETC.] Any defendant, his heirs, administrators, assigns, or any person interested in the premises, through or under the defendant, may within twelve months from said sale redeem the real estate so sold by paying to the purchaser thereof, his executors, administrators, or assigns, or to the Sheriff or Master in Chancery, or other officer who sold the same, or his successor in office for the benefit of such purchaser, his executors, administrators or assigns, the sum of money for which the premises were sold or bid off, with interest thereon at the rate of eight per centum per annum from the time of such sale, whereupon such sale and certificate shall be null and void.

§ 20. [REDEMPTION BY CREDITOR, ETC.] If such redemption is not made, any decree, or judgment creditor, his executors, administrators, or assigns, may, after the expiration of twelve months, and within fifteen months after the sale, redeem the premises in the following

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manner—Such creditor, his executors, administrators, or assigns, may sue out an execution upon his judgment or decree, and place the same in the hands of the sheriff or other proper officer to execute the same, who shall endorse upon the back thereof a levy of the premises desired to be redeemed; and the person desiring to make such redemption shall pay to such officer the amount for which the premises to be redeemed, were sold, with interest thereon at the rate of eight per centum per annum from the date of the sale, for the use of the purchaser of such premises, his executors, administrators, or assigns; whereupon such officer shall make and file in the office of the recorder of the county in which the premises are situated, a certificate of such redemption, and shall advertise and offer the premises for sale under said execution as in other cases of sale on execution.

§ 21. [When only redemption money bid.] The creditor, hi executors, administrators, or assigns, having so redeemed, shall be considered as having bid at such sale the amount of the redemption money so paid by him, with interest thereon at the rate of eight per centum per annum from the date of such redemption to the day of sale, with the cost of such redemption and sale; and if no greater amount is bid at such sale, the premises shall be struck off to the person making such redemption, and the officer shall forthwith execute a deed of the premises to him, and no other redemption shall be allowed.

Approved May 31st, 1879.

JURORS.

§ 4. Exemptions.

An Act *to amend section* 4 *of an act entitled "An Act concerning Jurors, and to repeal certain acts therein named," approved and in force February* 11, 1874. *Approved May* 31, 1879. *In force July* 1, 1879.

Section 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section (4) four of an act entitled "An act concerning Jurors, and to repeal certain acts therein named," approved and in force February 11, 1874, be and the same is hereby amended, so that hereafter it shall read as follows:

§ 4. [Exemptions.] The following persons shall be exempt from serving as jurors, to wit: The Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Superintendent of Public Instruction, Attorney General, members of the General Assembly during their term of office, all judges of courts, all clerks of courts, sheriffs, coroners, postmasters, mail carriers, practicing attorneys, all officers of the United States, officiating ministers of the gospel, school

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teachers during the terms of school, practicing physicians, constant ferrymen, mayors of cities, policemen and active members of the fire department: *Provided*, that every fireman who shall have faithfully and actively served as such in any volunteer fire department in any city of this State, for the term of seven years, may thereafter be exempt from serving on juries in all courts.

APPROVED May 31st, 1879.

SUMMONS FOR PETIT JURORS.

§ 10. Summons for petit jurors.

AN ACT *to amend section ten* (10) *of an act entitled "An act concerning jurors, and to repeal certain acts therein named," approved and in force February* 11, 1874. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section ten (10) of an act entitled "An Act concerning jurors, and to repeal certain acts therein named," approved and in force February 11, 1874, be and the same is hereby amended so as to read as follows viz:

§ 10. [SUMMONS FOR PETIT JURORS.] The clerk of the court shall, within five days after such drawing issue to the sheriff, a summons commanding him to summon as petit jurors, a sufficient number, not less than thirty of the persons so drawn giving their residences to appear at the place of holding such court, at the hour of ten o'clock a. m. of the first day of the term or upon such other day of the term as the judge shall direct, and a like number to appear at the same place and hour two weeks after the time at which the former number of jurors were summoned to appear, and the same number for each two weeks thereafter, the court will probably be in session; which summons shall be served before the sitting of the court.

APPROVED May 31st, 1879.

VENUE CHANGED.

§ 30. How venue changed.

AN ACT *to amend section thirty* (30) *of an act entitled, "An Act to provide for the election and qualification of Justices of the Peace and Constables, and to provide for the jurisdiction and practice of Justices of the Peace in civil cases, and fix the duties of Constables, and to repeal certain acts therein named," approved April* 1st, 1872, *in force July* 1st, 1872. *Approved May* 21, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section thirty (30), of an act

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entitled, "An act to provide for the election and qualification of justices of the peace and constables, and to provide for the jurisdiction and practice of justices of the peace in civil cases, and fix the duties of constables, and to repeal certain acts therein named," approved April 1st 1872, in force July 1st, 1872, be so amended as to read as follows:

§ 30. [How venue changed.] Previous to the commencement of any trial before a justice of the peace, or police magistrate, the defendant, or his or her agent, may make oath that it is the belief of such deponent, that the defendant can not have an impartial trial before such justice of the peace or police magistrate; whereupon, it shall be the duty of the justice of the peace or police magistrate immediately to transmit all the papers and documents belonging to the suit, to the nearest justice of the peace or police magistrate in the same county, who is not of kin to either party, sick, absent from town, or interested in the event of the suit, as counsel or otherwise, who shall proceed as if the suit had been instituted before him, anything in any special charter or law to the contrary notwithstanding: *Provided*, that distance, as contemplated in this section, shall mean to be by the nearest traveled route."

Approved May 21st, 1879.

APPEALS—DAMAGES—JUDGMENT.

§ 71. Damages.

An Act *to amend section seventy-one of an act entitled "An Act to provide for the election and qualification of justices of the peace and constables, and to provide for the jurisdiction and practice of justices of the peace in civil cases, and fix the duties of constables and to repeal certain acts therein named." Approved May* 31, 1879. *In force July* 1, 1879.

Section 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section seventy-one (71) of "An act entitled "An act to provide for the election and qualification of justices of the peace and constables, and to provide for the jurisdiction and practice of justices of the peace in civil cases, and fix the duties of constables and to repeal certain acts therein named," be amended so as to read as follows:

§ 71. [Damages.] In cases of appeal from judgments of justices of the peace, the appellee shall be entitled to judgment, not exceeding ten per cent, damages upon the amount of the judgment, if the appeal is dismissed for want of prosecution, or if the court shall be satisfied that the appeal was prosecuted for the purposes of delay. And the court may at the election of the appellee render judgment against the appellant for the amount of the judgment from which the appeal is

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taken, with damages as hereinbefore provided. And thereupon the appellee shall be entitled to a *scire facias* against the sureties on the appeal bond in such case, and such writ of *scire facias* shall be made returnable at the next succeeding term of said court, and if served ten days before the commencement of such term, and unless sufficient cause be shown by such sureties the court shall render judgment against such sureties for the amount of judgment rendered against their principal.

APPROVED May 31st, 1879.

LIENS.

LIMITATION.

§ 28. Limitation.

AN ACT *to amend section twenty-eight* (28) *of an act entitled "An act to revise the law in relation to liens," approved March 25th*, 1874. *Approved May* 24, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section twenty-eight (28) of an act entitled "An act to revise the law in relation to liens," approved March 25th, 1874, be and the same is hereby amended so as to read as follows:

§ 28. (LIMITATION.) No creditor shall be allowed to enforce the lien created under the foregoing provisions, as against or to the prejudice of any other creditor or incumbrance or purchaser, unless suit be instituted to enforce such lien within six (6) months after the last payment for labor or materials shall have become due and payable.

APPROVED May 24th, 1879.

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MILITARY CODE.

ARTICLE I.

LIABILITY AND EXEMPTION.

§ 1. Who liable to military duty.

ENROLLMENT.

§ 2. Enrollment.

VOLUNTEERS.

§ 3. How militia enlisted, brigaded, etc.—term—oath.
§ 4. Staff rank-duties—adjutant general.
§ 5. Brigade generals—staff.
§ 6. Organization of regiments, etc.—officers—rank.
§ 7. Companies—officers.
§ 8. Cavalry companies.

ARTICLE II.

§ 1. Election of company officers—term of office
§ 2. Meetings for election of officers.
§ 3. Examining board—duties.
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§ 6. Disbanding company.
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ARTICLE III.

EXEMPTIONS.

§ 1. Exemptions.

ARTICLE IV.

PARADES AND ENCAMPMENT.

§ 1. Drills.
§ 2. Parades.
§ 3. Commander of encampment, etc.—authority.
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ARTICLE V.

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§ 2. Inspector general—duties.
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§ 6. Brigade inspectors—duties.
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ARTICLE VI.

§ 1. General Inspector of rifle practice.
§ 2. Brigade, etc., inspectors of rifle practice.
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ARTICLE VII.

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ARTICLE IX.

MEDICAL SERVICE.

§ 1. Medical staff.
§ 2. Medical stores and supplies.
§ 3. Surgeon general to prescribe forms, etc., for reports.

ARTICLE X.

APPROPRIATIONS.

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§ 2. Expense of courts martial, etc.
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ARTICLE XI.

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§ 1. Regimental band.
§ 2. Pay when under orders.
§ 3. Books of instruction, records, etc.
§ 4. Company not to leave State with arms.
§ 5. Other organizations prohibited.
§ 6. Penalty for violation of act.
§ 7. Appropriates $25,000.
§ 8. Repeal.

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AN ACT *to provide for the organization of the State Militia and entitled "The Military Code of Illinois." Approved May* 28, 1879. *In force July* 1, 1879.

ARTICLE I.

LIABILITY AND EXEMPTION.

SECTION 1. [WHO LIABLE TO MILITARY DUTY.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all able bodied male citizens of this, State, between the ages of eighteen and forty five years, except such as are expressly exempted by the laws of the United States, or are State or county officers, or on account of their profession or employment are exempted by the commander-in-chief, shall be subject to military duty and designated as "The Illinois State Militia."

ENROLLMENT.

§ 2. [ENROLLMENT.] When it is necessary to execute the laws, suppress insurrection, or repel invasion, or to quell riots, or when a requisition shall be made by the President of the United States for troops, the governor as commander-in-chief, may, by his proclamation, require the enrollment of the militia of the State, or of such portion thereof as may be necessary, and he shall appoint necessary enrolling officers, and prescribe their duties, issuing all proper orders that may be required in the premises. He may designate the place of rendezvous, provide for the organization of the militia into companies, battalions, regiments, and brigades, and their equipments, as the case may require. The militia, when called into active service, shall receive the same pay and subsistence as is provided for like troops in the service of the United States.

VOLUNTEERS.

§ 3. [HOW ACTIVE MILITIA ENLISTED AND BRIGADED—TERM OF ENLISTMENT—OATH.] The active militia shall be designated as the "Illinois National Guard," which shall consist of not more than eight thousand men and officers, to be divided into not more than three (3) brigades, each to be commanded by a brigadier general, and shall be recruited by volunteer enlistments. The commander-in-chief shall assign all regiments, battalions, and companies, to such brigades as he shall think proper. All enlistments therein shall be for five years, and made by signing enlistment papers, prescribed by the adjutant general, and taking the following oath or affirmation, which may be administered, by the enlisting officer, to-wit: "You do solemnly swear (or affirm) that you will bear true allegiance to the United States and the State of Illinois and that you will support the constitutions thereof, that you will serve the State of Illinois faithfully, in its military service, for the term of five years, unless sooner discharged, or you cease to become a citizen thereof; that you will obey the orders of the commander-in-chief and such officers as may be placed over you, and the laws governing the military forces of Illinois; so help you

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God." This oath may be administered by any commissioned officer, or, in his absence, by any officer authorized by law to administer oaths.

§ 4. [STAFF—RANK—DUTIES, ETC.—ADJUTANT GENERAL.] The staff of the commander-in-chief shall consist of an adjutant general, with the rank of brigadier general, who shall be ex-officio chief of staff, commissary general and quartermaster general, and inspector general, a surgeon general, a judge advocate general, and inspector of rifle practice, each with the rank of colonel; and one aid from each congressional district, with the rank of colonel: *Provided*, that no employe of the State or a county, while drawing his salary as such, shall receive any pay by reason of any service in the militia of the State. The adjutant general shall issue and transmit all orders of the commander-in-chief, with reference to the militia or military organizations of the State, and shall keep a record of all officers commissioned by the Governor, and of all general and special orders and regulations, and of all such matters as pertain to the organization of the State militia and the Illinois National Guard, and perform the duties of an adjutant, commissary and quartermaster general. He shall have charge of the State arsenal, and grounds, and shall receive and issue all ordnance and ordnance stores, and camp and garrison equipage, on the order of the commander-in-chief. He may appoint with the approval of the Governor, an ordnance sergeant, at a salary of not more than eight hundred dollars ($800) per annum, who shall under the direction of the adjutant general, aid and assist him in the discharge of his duties. The adjutant general shall receive for his services the sum of two thousand dollars ($2,000) per annum. He shall have charge of and carefully preserve the colors, flag, guidons, and military trophies, of war belonging to the State, and shall not allow the same to be loaned out or removed from their proper place of deposit. He shall furnish, at the expense of the State all proper blank books, blanks and forms, and such military instruction books, as shall be approved by the commander-in-chief. He shall, also, on or before the first day of October next preceding the regular session of the General Assembly, make out a full and detailed account of all the transactions of his office, with the expenses of the same for the preceding two years, and such other matters as shall be required by the Governor and shall also report at such other times as the Governor shall require. He shall reside at the State Capital and shall hold his office during the pleasure of the Governor.

§ 5. [BRIGADE GENERALS—STAFF.] The generals of brigades shall be appointed by the Governor, and shall hold their office until removed by court-martial or resignation. On recommendation of the general of brigades, the Governor shall appoint and commission the brigade staff, as follows: Judge advocate, with rank of lieutenant colonel; assistant adjutant general, with rank of lieutenant colonel; inspector general, with rank as major; surgeon, with rank as major; quartermaster, with rank as captain; commissary, with rank as captain; and two (2) aids-de-camps, with rank as first lieutenant.

§ 6. [ORGANIZATION OF REGIMENTS AND BATTALIONS—OFFICERS—RANK.] A regiment of infantry shall consist of not less than eight and not

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more than ten companies. A battalion shall consist of not less than two and not more than seven companies. A battalion of less than four companies shall be entitled to a major, and when it has been augmented to four or more companies it shall be entitled to a lieutenant colonel. The colonel, lieutenant colonel and major of all battalions and regiments shall be elected by the line officers thereof. The regimental staff shall consist of a surgeon, with the rank of major; assistant surgeon, with the rank of captain; inspector of rifle practice; with the rank of captain; chaplain, with the rank of captain; adjutant, with the rank of captain; quarter-master, with the rank of first lieutenant; who shall be appointed and commissioned by the Governor, on recommendation of the regimental commander. The battalion staff shall consist of the same officers, except surgeon, and shall be appointed and commissioned on recommendation of the battalion commander. The commander of a regiment or battalion shall appoint by warrant, a sergeant major, quarter-master sergeant, commissary sergeant, hospital steward, color sergeant, ordnance sergeant, drum major, and two principal musicians, who shall constitute the non-commissioned staff. All field officers shall hold their offices for five years. The commissions of all staff officers shall expire when the officer nominating them, or his successor, shall make new nominations to their respective office, and such nominations shall be confirmed by the commander-in-chief. A battalion of cavalry shall consist of not more than four nor less than two companies, of not less than fifty enlisted men in each company; and such battalion shall be entitled to a major, and if over four companies should at any time be deemed necessary by the Governor, it shall be called a regiment, and be entitled, also to a lieutenant colonel, with the same staff officers, as a battalion of infantry, with the addition of a commissary, with rank as a first lieutenant. The non-commissioned staff of a battalion of cavalry, shall consist of a sergeant major, quarter-master sergeant, commissary sergeant, hospital steward, color sergeant, chief bugler, farrier-sergeant, and saddler-sergeant, who shall be appointed in the same manner as provided for a battalion of infantry.

§ 7. [COMPANIES—OFFICERS.] A company shall consist of a captain, a first lieutenant, a second lieutenant, five sergeants, four corporals, two musicians, and not less than fifty and not more than one hundred privates and non-commissioned officers.

§ 8. [CAVALRY COMPANIES.] A company of cavalry, or artillery, shall have in addition to these officers, a commissary-sergeant, a quarter-master sergeant, farrier, saddler and bugler; Provided that a company of artillery, having more than two guns, shall be entitled to an additional second lieutenant, and the commander, thereof shall rank as major.

ARTICLE II.

SECTION 1. [ELECTION OF COMPANY OFFICERS—TERM OF OFFICE.] Company officers shall be elected by the members of the company, and shall hold their office for three years. All non-commissioned

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officers of companies, on recommendation of their captain, shall be appointed by the warrant of the battalion or regimental commander.

§ 2. [MEETINGS FOR ELECTION OF OFFICERS.] All meetings for the election of officers to fill vacancies, shall be ordered by the brigade commander. The orders therefor shall be addressed to an officer of his command to preside at such meeting, who shall, at least one week previous thereto, send a notice thereof by mail, to each person entitled to vote thereat. The voting shall be by ballot, and a majority of all votes cast shall be necessary to elect, and the result thereof shall be forthwith returned by the officer presiding, through the regimental or battalion commander, to the Adjutant General. If there shall be a failure to elect any officer at two meetings ordered therefor, the commander-in-chief may fill the vacancy by direct appointment. If the officer designated to preside at such meeting shall not appear thereat. the senior officer present shall preside.

§ 3. [EXAMINING BOARD—DUTIES.] An examining board of three or more competent officers, appointed by the commander-in-chief, shall convene at such time and places as he shall direct, and examine, in military tactics, all commissioned officers below the rank of brigadier general, who shall be ordered before it. The commander-in-chief shall give at least two week's notice to all such officers to appear thereat. Said board shall, in twenty days after such examination, make a detailed report of its result to the commander-in-chief, who may revoke appointments of all officers failing to pass an examination satisfactory to said board. If any officer shall fail to appear for examination, on receiving proper notice, he may be allowed an opportunity for examination at the next session of the board, if he shall give a satisfactory excuse for his absence: *Provided*,—that no officer who has passed a satisfactory examination shall be re-examined.

§ 4. [BY-LAWS.] Every company, battalion and regiment may make by-laws for its government, not in conflict with this act, or with general orders or regulations, which shall be binding upon the members.

§ 5. [TERM OF SERVICE.] Every officer, non-commissioned officer, musician, and private, of the Illinois National Guard, shall be held to duty for the full term of five years, unless regularly discharged, for good and sufficient cause, by the commander of his regiment, battalion, or battery, approved by the brigade commander, or by order of the commander-in-chief. In every case of the discharge of an enlisted man by a commander as aforesaid, the commanding officer of his company shall certify, to the facts on which the application is based, through intermediate commanders, to the adjutant general, for the approval or disapproval of the commander-in-chief; and each commander shall endorse thereon his approval or disapproval. In case of application for discharge or certificate of discharge for disability, such application shall take the same course, and shall also have the certificate of the proper medical officers endorsed thereon.

§ 6. [DISBANDING COMPANY.] Whenever any company of the Illinois National Guard, shall become reduced to a number of less than fifty non-commissioned officers and privates, uniformed and active

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members, to be ascertained by an inspection, it may be disbanded or consolidated with another company, by the commander-in-chief.

§ 7. [UNITED STATES THE STANDARD REGULATIONS.] The organization, equipment, discipline, and military, regulations of the Illinois National Guard, shall conform to the regulations for the government of the army of the United States, in all cases, except as herein otherwise provided; and all orders and regulations governing troops, not in conflict with the constitution of this State and the provisions of this act, shall be binding upon all members of the Illinois National Guard.

ARTICLE III.

EXEMPTIONS.

SECTION 1. [OFFICERS, PRIVATES, ETC., EXEMPT FROM JURY DUTY —ROAD LABOR—POLL TAX, ETC.—ARMS, ETC., EXEMPT FROM EXECUTION, ETC.—PRIVILEGE FROM ARREST.] Every officer, non-commissioned officer, musician, and private of the Illinois National Guard, shall be exempt from jury duty, from payment of road, labor and head or poll-tax of every description during the time he shall hold a commission as officer, or be enrolled as an enlisted man in the Illinois National Guard. The uniforms arms and equipments of every member of the Illinois National Guard, shall be exempt from all suits, distresses executions or sales for debt or payment of taxes. The members thereof shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at drills, parades, encampments, and the election of officers, and in going to and returning from the same.

ARTICLE IV.

PARADES AND ENCAMPMENT.

SECTION 1. [DRILLS.] The commander of each regiment, battalion and battery may order monthly or semi-monthly evening drills by the companies of his command, which shall be deemed regularly ordered drill within the meaning of this act.

§ 2. [PARADES.] The Illinois National Guard, shall parade for drill not less than three (3) nor more than four days annually by company, battalion, regiment, or brigade, as ordered by the commander-in-chief.

§ 3. [COMMANDER OF ENCAMPMENT OR PARADE—AUTHORITY.] The commanding officer of any encampment or parade may cause those under his command to perform any field or camp duty he shall require, and may put under arrest during such encampment, or parade, any member of his command who shall disobey a superior officer, or be guilty of disorderly or unmilitary conduct, and any other person who shall trespass on the parade or encampment ground, or in any way interrupt or molest the orderly discharge of duty by the members of his command, and he may prohibit the sale of all spirituous or malt liquors within one mile of such encampment, and enforce such

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prohibition by force, if necessary: *Provided, however,*—that nothing herein contained shall be construed to interfere with the regular business of any liquor dealer whose place of business shall be situated within said limits before the commencement of said encampment.

§ 4. [TARGET PRACTICE.] The brigade commander shall direct such target practice, at the annual parades and encampments as he may deem expedient, and he may command at each general encampment, and report the conduct and discipline thereof, to the commander-in-chief.

ARTICLE V.

ARMS, AND ARMORIES.

SECTION 1. [ISSUING ARMS—BOND—ARMS, ETC., KEPT AT ARMORY.] Upon the organization of any company or battalion of the Illinois National Guard, on the requisition of its commanding officer, and the approval of the Governor, the quarter-master general, shall issue all necessary ordnance stores: *Provided, however*, that when any arms or munition are delivered to any commander, he shall execute and deliver to the Adjutant General, a bond, payable to the people of the State of Illinois, in a sufficient amount and with sufficient security, to be approved by the Governor, conditioned for the proper use of such arms, and munition, and the return of the same, when requested by the proper officers, in good order—wear, use, and unavoidable loss and damage excepted. All such arms and munitions shall be kept at the company or regimental armory,

§ 2. [INSPECTOR-GENERAL—DUTIES.] The inspector general shall critically inspect, as often as he may deem necessary, every branch connected with the military service, including armories, arsenals, and military store-houses; and he shall report to general headquarters the improvement in discipline and tactical instruction of the Illinois National Guard. He shall organize the inspector general's department, and shall prescribe the rules and regulations for its government, and shall decide upon the necessary blank forms required by his department, and see that the same are furnished at the proper time.

§ 3. [ANNUAL INSPECTION—EXPENSES.] The entire Illinois National Guard, and all armories, ordnance stores and camp equipage belonging to the State, shall be inspected at least once in each year, under such rules and regulations as may be provided by the inspector general, with the approval of the commander-in-chief, and all the necessary traveling expenses incurred therein, shall be paid on requisition in the same manner as hereinafter provided for.

§ 4. [COMMANDERS OF REGIMENTS, ETC., TO REPORT TO INSPECTOR-GENERAL.] Commanders of regiments, battalions, troops, batteries, or separate companies shall furnish to the inspector general such information as he may require as to the number and kind of arms, equipments, and military property of the State issued to their respective regiments, battalions, troops, batteries, or separate companies; and at the inspection of any armory, arsenal, or military store-house, if the

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inspector general finds the property which ought to be kept therein, or any part of it missing, injured, unfit, for use, or deficient in any respect, he shall forthwith report the facts in respect thereto to the commander-in-chief.

§ 5. [INSPECTOR-GENERAL'S REPORT.] In his annual report, the inspector general shall state what general and field officers have been in command of parades and encampments, what changes of general and field officers have been made, and what degree of improvement has been attained by both officers and men, and whether the general regulations have been observed, together with such other suggestions as he may see fit to make.

§ 6. [BRIGADE INSPECTORS—DUTIES.] The brigade inspectors, whenever required by the inspector general, shall report to him the condition of their respective brigades, and shall also, upon his request, report to him upon any matter properly belonging to his department which may require examination, within their respective division or brigade districts. All such reports shall be addressed to the inspector general, but shall be forwarded through brigade commanders.

§ 7. [ARMORIES—PENALTY FOR FALSE RETURN.] The armory of each regiment, battalion, or company, shall be subject to the orders of the adjutant general, be under the charge of its commanding officer, who shall keep therein all property furnished by the State. And no company shall be furnished with arms or equipments until a suitable armory shall be provided for their deposit. Nor shall such arms be loaned or taken from such armories by individual members of companies. Any officer, non-commissioned officer or private of the Illinois National Guard, knowingly making any false certificate, or false returns of State property in his hands, or neglecting or refusing to apply all money drawn from the State Treasurer for the purpose named in the requisition therefor, shall be deemed guilty of embezzlement, and shall be punished in the manner as provided for that offense in the Criminal Code of this State.

ARTICLE VI.

SECTION 1. [GENERAL INSPECTOR OF RIFLE PRACTICE.] The general inspector of rifle practice shall have charge of rifle practice throughout the State; shall direct the manner in which the same shall be conducted, and shall report to the inspector general.

§ 2. [BRIGADE, ETC., INSPECTORS OF RIFLE PRACTICE.] The brigade regimental and battalion inspectors of rifle practice shall perform such duties as may, from time to time be prescribed by the general inspector of rifle practice with the approval of the inspector general.

§ 3. [PAY—EXPENSES OF RIFLE RANGES, ETC.] Such inspector of rifle practice shall be paid as is hereinafter prescribed the same as for camd duty, subject to the approval of the inspector general and commanper-in-chief. The expense of procuring and maintaining proper rifle ranges, procuring ammunition, the necessary printing, and all

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other things deemed proper for the promotion of rifle practice by the Illinois National Guard, shall be paid for from the military fund, on bills of particulars approved by the commander-in-chief.

ARTICLE VII.

COURTS MARTIAL.

SECTION 1. [COURTS MARTIAL—HOW CONSTITUTED.] General courts-martial for the trial of commissioned officers shall be ordered by the commander-in-chief at such times as the interest of the service may require, and shall consist of not less than three (3) nor more than five (5) officers, the majority of whom shall not be of inferior rank to the accused when practicable.

§ 2. [MAY TRY COMMISSIONED OFFICERS.] Commissioned officers may be tried by courts-martial for the following offenses; for drunkenness on duty; for neglect of duty; for oppression of any under his command; for disobedience of orders or any act contrary to the provisions of this act, or for conduct unbecoming an officer and gentleman, or to the prejudice of good order or military discipline.

§ 3. [REGIMENTAL COURT MARTIAL.] For the trial of non-commissioned officers, musicians and privates, the commanding officer of each brigade shall at such times as shall be necessary, appoint a regimental court-martial for any regiment, battalion or company in his brigade, which shall consist of not less than three (3) nor more than five (5) commissioned officers one of whom shall be a field officer.

§ 4. [OFFENSES COGNIZABLE BY COURT MARTIAL.] Any non-commissioned officer, musician or private, may be tried by court-martial for drunkenness on duty, for neglect, of duty, for mutiny or desertion, for disobedience of orders or for conduct unbecoming a soldier, or to the prejudice of good order or military discipline.

§ 5. [TRIAL ACCORDING TO U. S. ARMY REGULATIONS.] In all general or regimental courts-martial, the arraignment of the accused the proceedings, trial and record shall conform to the regulations for the discipline of the army of the United States, except as herein otherwise provided, and the sentences of such courts shall be in accordance with the nature and degree of the offense, and according to established military usage, but shall not extend further in time of peace, than dismissing or discharging the officer or soldier, and disqualifying him from holding any military office in this State. *Provided, however*, that all such court-martials shall be held with open doors and the accused shall have the right to defend by himself or counsel of his own selection, and the examination of witnesses shall be conducted orally in such proceedings and the accused or his counsel may present to said court arguments, either in writing or orally.

§ 6. [JUDGE ADVOCATE.] The judge advocate of each brigade shall perform the duties of such office in all courts-martial in his district. When such judge advocate shall be unable to attend from any cause,

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or shall be disqualified by interest or relationship, in which case the brigade commander may designate some commissioned officer to act as judge advocate in his place.

§ 7. [WITNESSES—FEES.] Witnesses for the prosecution and defense may be summoned to attend by subpœna signed by the judge advocate. Any witness duly summoned, who shall fail to appear and testify may be, by warrant of the president of court, directed to the sheriff or any constable, arrested and treated as in like cases before civil courts. The fees of all witnesses shall be the same as allowed in civil cases, to be taxed with the necessary expenses of the judge advocate and the court, by the president of the court, and paid by the State Treasurer, on the Auditor's warrant, to the judge advocate, who shall pay all the expenses of the trial, when received by him.

§ 8. [FINDING, ETC., OF COURT MARTIAL FORWARDED TO COMMANDER-IN-CHIEF.] The proceedings and findings of any court-martial shall, without delay, be forwarded through the proper channel to the commander-in-chief, who shall within fifteen (15) days after receiving the same, approve or disapprove of such proceedings and findings, and may, in his discretion modify or remit the sentence of such court.

§ 9. [REGULATIONS IN CASES OF RIOT, ETC.—VIOLATION—EXTENT OF PUNISHMENT.] Whenever any portion of the military forces of this State shall be ordered by the commander-in-chief, to assemble for the purpose of suppressing any riot, insurrection, invasion, or in time of public danger, the rules and articles of war and general regulations for the government of the army of the United States, so far as they are applicable, and with such modifications as the commander-in-chief may prescribe, shall be considered in force and regarded as part of this act during the continuance of such service. But no punishment under such rules and articles which shall extend to the taking of life shall in any case be inflicted, except in time of actual war, invasion, or insurrection, declared by proclamation of the Governor to exist, and then only after approval by the commander-in-chief, of the sentence inflicting such punishment.

ARTICLE VIII.

PAY DEPARTMENT.

SECTION 1. [PAY OF OFFICERS.] All officers of the Illinois National Guard shall receive the same pay as enlisted men and no more; *Provided*, that when in actual service for the suppression of riot and the enforcement of the laws the officers of the Illinois National Guard shall receive the same pay provided by law for officers of the United States army of like grade for each days service actually so performed, said payments to be made on rolls prescribed by the adjutant general.

§ 2. [PAY OF ENLISTED MEN.] The enlisted men of the Illinois National Guard shall receive one (1) dollar for each day's service with transportation and necessary rations at any parade or encampment authorized by law in article 4, section 2 of this act and in going to

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and returning from the same, and while under any orders of the commander-in-chief, or other proper authority for the purposes and in the manner herein provided. And each mounted non-commissioned officer, musician and private, shall receive in addition to the above one ($1) dollar per day and forage for his horse; and the commander of each battery shall be allowed one ($1) dollar per day and forage for each horse necessary for moving the same. *Provided*, nothing in this act shall be so construed as to allow pay to officers or men for more than four days during any one year, except during a time of riot, insurrection or invasion.

ARTICLE IX.

MEDICAL SERVICE.

SECTION 1. [MEDICAL STAFF.] The medical staff of the Illinois National Guard shall have charge of that branch of the service, under the supervision of the surgeon general.

§ 2. [MEDICAL STORES AND SUPPLIES.] A surgeon in charge in the field or at a camp of instruction, may draw on requisition such medical stores and supplies as, in his judgment may be needed, and for which he shall account, on forms provided by the quartermaster general.

§ 3. SURGEON GENERAL TO PRESCRIBE FORMS, BLANKS, ETC., FOR REPORTS] The surgeon general may prescribe the necessary forms and blanks for the work of his department, and all subordinate surgeons of the entire Illinois National Guard will obey his orders, and report as often as he may prescribe the transactions of their department.

ARTICLE X.

APPROPRIATIONS.

§ 1. [TAX TO CREATE MILITARY FUND—HOW EXPENDED.] There shall be levied and collected annually, in each county within this State at the same time, and in the same manner that all State and county taxes are levied and collected, one-tenth (1-10) of a mill on each dollar of taxable property in this State, situate in said county, to be set apart as a military fund of this State. Three-fourths ($\frac{3}{4}$) of of said fund shall annually be divided distributed and paid by the Governor and adjutant general to the several regiments, battalions, companies and batteries in proportion to the number of officers and men regularly reporting for duty in each of them respectively, for the payment of armory rent, fuel, lights, insurance, janitor, and like necessary expenses, and for the subsistence and pay of the officers and men.

§ 2. [EXPENSES OF COURTS MARTIAL, ETC.] Out of the balance of said fund shall be paid expenses of courts martial, and proper clothing, equipments, medical supplies, expenses of transportation, quartermasters supplies, camp and garrison equipage while on duty, and all nec-

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essary expenses of brigade, regimental or battalion headquarters *Provided*, there shall not be allowed to any brigade headquarters to exceed five hundred dollars ($500) and to regimental or battalion headquarters not to exceed two hundred dollars ($200).

§ 3. [CONTINGENT MILITARY FUND.] All unexpended balance of the above appropriation, may be used as a contingent military fund in emergencies on order of the commander-in-chief.

ARTICLE XI.

GENERAL PROVISIONS.

§ 1. [REGIMENTAL BAND.] The commanding officer of each regiment, or battalion may, in his discretion enlist or organize a band, under the leadership of a principal musician of his command, not to exceed sixteen in number, for a regiment, and twelve for a battalion, who shall be subject to the orders of such leader, and under the command of the regimental or battalion commander; and delinquents of such band, shall be subject to the same penalties as are prescribed for all enlisted men.

§ 2. [PAY WHEN UNDER ORDERS.] For each day's duty when under orders from the commander-in-chief, or as a witness or a defendant, under summons from the president or judge advocate, of a court martial, officers and men shall be paid as hereinbefore provided for camp duty.

§ 3. [BOOKS OF INSTRUCTION, RECORD, ETC.] There shall be provided by the quartermaster general, such books of record and books of instruction as may, be necessary for the proper performance of the various duties required by the code, the same to be paid for on bills of particulars approved by the Governor and drawn from the military fund.

§ 4. [COMPANY NOT TO LEAVE STATE WITH ARMS, EXCEPT.] No military company shall leave the State with arms and equipments without the consent of the commander-in-chief, and any company so offending in this particular, may be disbanded by the commander-in-chief.

§ 5. [OTHER ORGANIZATIONS PROHIBITED.] It shall not be lawful for any body of men whatever, other than the regular organized volunteer militia of this State, and the troops of the United States, to associate themselves together as a military company or organization, or to drill or parade with arms in any city, or town, of this State, without the license of the Governor thereof, which license may at any time be revoked: *And, provided, further*, that students in educational institutions where military science is a part of the course, of instruction, may, with the consent of the Governor, drill and parade with arms in public, under the superintendence of their instructors, and may take part in any regimental or brigade encampment under command of their military instructor; and while so encamped shall be governed by the provisions of this act. They shall be entitled only to transportation and subsistence, and shall report and be subject to the com-

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mandant of such encampment. *Provided*, that nothing herein contained shall be construed so as to prevent benevolent or social organizations from wearing swords.

§ 6. [PENALTY FOR VIOLATION OF ACT.] Whoever offends against the provisions of the preceding section or belongs to or parades with any such unauthorized body of men with arms, shall be punished by a fine not exceeding the sum of ten dollars ($10) or by imprisonment in the common jail for a term not exceeding six months or both.

§ 7. [APPROPRIATES $25,000.] Inasmuch as the appropriation provided for in article ten (10) of this act cannot be realized until the year 1880 there is hereby appropriated, and set apart as a military fund until that time the sum of twenty-five thousand dollars ($25,000) out of any money in the treasury not otherwise appropriated, and all moneys heretofore or hereafter collected under the provisions of an act entitled An act to provide, for the organization of the State Militia and entitled the Military Code of Illinois, approved May 18th, 1877, in force July 1st, 1877, which moneys, including said sum of twenty-five thousand dollars ($25,000), shall be used, and applied for the purposes and in the manner specified in article ten (10) of this act.

§ 8. [REPEAL.] All acts and parts of acts inconsistent with the provisions contained in this act are hereby repealed.

APPROVED May 28th, 1879.

MINERS.

§ 1. Map of mine to be kept, etc.
§ 2. Inspector may make map at cost of owner.
§ 3. Escapement shaft—roadway—meaning of "owner"
§ 4. Ventilation—safety lamp.
§ 5. Bore holes.
§ 6. Signals—hoist-ways—who may be employed.
§ 7. Operating hoist-ways—competent engineer.
§ 8 Boilers examined—fencing shaft - signals, etc.
§ 9. Accidents—duty of inspector.
§ 10. Fines—penalties, etc.
§ 11. Inspectors—oath — bond—compensation—removal.
§ 12. Inspectors' duties—statistics.
§ 13. Inspection of mines—refusal of owner to permit.
§ 14. Injuries - remedies in favor of widow.
§ 15. Conduct of miners—disobedience, etc.
§ 16. Timber for props, etc.
§ 17. Repeal.

AN ACT *providing for the health and safety of persons employed in coal mines. Approved May* 28, 1879. *In force July* 1, 1879.

SECTION . *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the owner or agent or operator of each and every coal mine in this State, employing ten men or more, shall make or cause to be made, at the discretion of the inspector, or person acting in that capacity, an accurate map or plan of the workings of such coal mine, and of each and every vein thereof, showing the general inclination of the strata, together with

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any material deflections in the said workings, and the boundary lines of said coal mine, and deposit a true copy of said map or plan with the inspector of coal mines, to be filed in his office, and another true copy of said map or plan with the recorder of the county in which said coal mine is situated, to be filed in his office, both of which said copies shall be deposited as aforesaid within three months from the day when this act shall go into effect; and the original or a copy of such map or plan, shall also be kept for inspection at the office of such coal mine; and during the month of January of each and every year after this act shall go into effect, the said owner agent, or operator shall furnish the inspector and recorder, as aforesaid, with a statement and a further map or plan of the progress of the workings of such coal mine, continued from the last report to the end of the December month just preceding; and the inspector shall correct his map or plan of said workings in accordance with the statement and map or plan thus furnished; and when any coal mine is worked out or abandoned, that fact shall be reported to the inspector, and the map or plan of such coal mine in the office of said inspector shall be carefully corrected and verified.

§ 2. [INSPECTOR MAY MAKE MAP AT COST OF OWNER.] Whenever the owner, agent or operator of any coal mine shall neglect or refuse to furnish the said inspector and recorder, as aforesaid, with the statement, the map or plan, or addition thereto, as provided in the first section of this act, at the times and in the manner therein provided, the said inspector is hereby authorized to cause an accurate map or plan of the workings of such coal mine to be made at the expense of said owner, agent or operator, and the cost thereof may be recovered by law from said owner, agent or operator, in the same manner as other debts, by suit in the name of the inspector and for his use.

§ 3. [ESCAPEMENT SHAFT—ROADWAY—MEANING OF "OWNER."] In all coal mines that are, or have been in operation prior to the first day of July, in the year of our Lord 1879, and which are worked by or through a shaft, slope or drift, and in which more than ten miners are employed in each twenty-four hours, if there is not already an escapement shaft to each and every said coal mine, or communication between each and every coal mine, and some other contiguous mine, then there shall be an escapement shaft for other communication, such as shall be approved by the mine inspector, making at least two distinct means of ingress and egress for all persons employed or permitted to work in such coal mine. Such escapement shaft or other communication with a contiguous mine as aforesaid, shall be constructed in connection with every vein or stratum of coal worked in such coal mine; and the time to be allowed for such construction shall be one year when such mine is under 100 feet in depth; two years when such mine is over one hundred (100) feet in depth and under three (300) hundred feet, and three years, when it is over three hundred (300) feet and under four hundred (400) feet, and four years when it is over four hundred feet in depth, and five years for all mines over five hundred (500) feet, from the time this act goes into effect; and in all cases where the working force of one mine has been driven up

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to or into the workings of another mine, the respective owners of such mine, while operating the same, shall keep open a roadway at least two and one-half feet high and four feet wide, thereby forming a communication as contemplated in this act; and for a failure to do so shall be subject to the penalty provided for in section ten of this act, for each and every day such roadway is unnecessarily closed, each and every such an escapement shaft shall be separated from the main shaft by such extent of natural strata as shall secure safety to the men employed in such mines; such distance to be left to the discretion of the mine inspector or person acting in that capacity, and in all coal mines that shall go into operation for the first time after the first day of January, A. D. 1880, such an escapement or other communication with a contiguous mine as aforesaid, shall be constructed within one year after such mine shall have been put into operation. And it shall not be lawful for the owner, agent or operator of any such coal mine as aforesaid to employ any person to work therein, or permit any person to go therein for the purpose of working, except such persons as may be necessary to construct such an escapement shaft, unless the requirements of this section shall have first been complied with, and the term owner used in this act shall mean the immediate proprietor, lessee or occupant of any coal mine or any part thereof, and the term agent shall mean any person having on behalf of the owner the care or management of any coal mine or any part thereof: *Provided*,—nothing in this section shall be construed to extend the time allowed by law for constructing escapement shafts.

§ 4. [VENTILATION—SAFETY-LAMP.] The owner agent or operator, of every coal mine, whether operated by shaft slope or drift, shall provide and maintain for every such mine a sufficient amount of ventilation, to be determined by the inspector at the rate of one hundred cubic feet of air per man per minute, measured at the foot of the down-cast, which shall be forced and circulated to the face of every working place throughout the mine, so that said mine shall be free from standing gas of whatsoever kind; and in all mines where fire-damp is generated every working place where such fire damp is known to exist shall be examined every morning with a safety lamp by a competent person, before any other persons are allowed to enter. The ventilation required by this section may be produced by any suitable appliances, but in case a furnace shall be used for ventilating purposes, it shall be built in such a manner as to prevent the communication of fire to any part of the works by lining the up-cast with incombustible material for a sufficient distance up from said furnace.

§ 5. [BORE HOLES.] The owner, agent or operator shall provide that bore holes shall be kept twenty feet in advance of the face of each and every working place, and if necessary, on both sides, when driving towards an abandoned mine or part of a mine suspected to contain inflamable gases, or to be inundated with water.

§ 6. [SIGNALS—HOISTWAYS—WHO MAY BE EMPLOYED.] The owner, agent or operator of every coal mine operated by shaft shall provide suitable means of signaling between the bottom and top thereof, and shall also provide safe means of hoisting and lowering persons in a

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cage covered with boiler iron, so as to keep safe, as far as possible, persons descending into and ascending out of such shaft; and such cage shall be furnished with guides to conduct it on slides through such shaft, with a sufficient brake on every drum to prevent accident in case of the giving out or breaking of the machinery; and such cage shall be furnished with spring catches intended and provided, as far as possible, to prevent the consequences of cable breaking or the loosening or disconnecting of the machinery; and no props or rails shall be lowered in a cage while men are descending into or ascending out of said mine:—*Provided*, that the provisions of this section in relation to covering cages with boiler iron, shall not apply to coal mines less than one hundred feet in depth, where the coal is raised by horse power. No person under the age of twelve years, or females of any age, shall be permitted to enter any mine to work therein, nor shall any boy under the age of fourteen, unless he can read and write, be allowed to work in any mine, any party or person neglecting or refusing to perform the duties required to be performed by sections four, five, six, seven, and eight, shall be deemed guilty of a misdemeanor, and punished by fine in the discretion of the court trying the same, subject, however to the limitations as provided by section ten of this act.

§ 7. [OPERATING HOIST-WAY—COMPETENT ENGINEER.] No owner, agent or operator of any coal mine, operated by shaft or slope, shall place in charge of any engine, whereby men are lowered into or hoisted out of the mines, any but an experienced, competent and sober person not under the age of 18 years; and no person shall ride upon a loaded cage or wagon used for hoisting purposes in any shaft or slope, and in no case shall more than twelve persons ride on any cage or car at one time, nor shall any coal be hoisted out of any coal mine while persons are descending into such coal mine; and the number of persons to ascend out of or descend into any coal mine, on one cage shall be determined by the inspector, the maximum number so fixed shall not be less than four, nor more than twelve, nor shall be lowered or or hoisted more rapidly than six hundred feet to the minute.

§ 8. [BOILERS EXAMINED—FENCING SHAFT—SAFETY VALVES—SIGNALS—PLACES OF REFUGE.] All boilers used in generating steam in and about coal mines shall be kept in good order, and the agent, owner or operator, as aforesaid, shall have said boilers examined and inspected by a competent boiler maker, or other qualified person, as often as once every six months, and oftener if the inspector shall deem it necessary, and the result of every such examination shall be certified, in writing, to the mine inspector; and the top of each and every shaft, and the entrance to each and every intermediate working vein, shall be securely fenced by gates properly covering and protecting such shaft and entrance thereto; and the entrance to every abandoned slope, air or other shaft shall be securely fenced off; and every steam boiler shall be provided with a proper steam guage, water gauge and safety valve; and all underground, self-acting or engine planes, or gangways, on which coal cars are drawn and persons travel, shall be provided with some proper means of signaling between the stopping-places and, the end of said planes or gangways, and sufficient places of refuge at the

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sides of such planes or gangways shall be provided at intervals of not more than twenty feet apart.

§ 9. [ACCIDENTS—DUTY OF INSPECTOR.] Whenever loss of life, or serious personal injury shall occur by reason of any explosion, or of any accident whatsoever, in or about any coal mine, it shall be the duty of the person having charge of such coal mine to report the facts thereof, without delay, to the mine inspector of the county in which said coal mine is situated; and if any person is killed thereby, to notify the coroner of the county also, or, in his absence or inability to act, any justice of the peace of said county; and the said inspector shall, if he deem it necessary from the facts reported, immediately go to the scene of said accident, and make such suggestions, and render such assistance as he may deem necessary for the safety of the men. And the inspector shall investigate and ascertain the cause of such explosion or accident, and make a report thereof, which he shall preserve with the other records of his office; and to enable him to make such investigations he shall have power to compel the attendance of witnesses, and administer oaths or affirmations to them, and the cost of such investigations shall be paid by the county in which such accident has occurred, in the same manner as costs of coroners inquests are now paid. And the failure of the person in charge of the coal mine in which any such accident may have occurred, to give notice to the inspector or coroner, as provided for in this section, shall subject such person to a fine of not less than twenty-five dollars nor more than one hundred dollars, to be recovered in the name of the People of the State of Illinois, before any justice of the peace of such county, and such fine, when collected, shall be paid into the county treasury for the use of the county in which any such accident may have occurred.

§ 10. [FINES, PENALTIES, ETC.] In all cases in which punishment is provided by fine under this act for a breach of any of its provisions, the fine for a first offense shall not be less than fifty dollars and not more than two hundred dollars, and for the second offense not less than one hundred dollars or more than five hundred dollars, in the discretion of the court, except as specially provided for in section nine of this act.

§ 11. [INSPECTORS—OATH—BOND—COMPENSATION—REMOVAL.] The county board in each and every county in this State in which mining is now or may be hereafter carried on is hereby authorized, and it is made its duty, to appoint an inspector of mines at its September meeting, who shall have been a resident of the county for which he is appointed for one year, previous to his appointment. He shall be required to enter into a bond to the county board of said county for a sum not less than one thousand dollars nor more than three thousand dollars, conditioned upon the due and faithful performance of his duties; said bond to be accompanied by good and sufficient security, to be approved by the said county board. He shall also take an oath of office as provided for by the constitution, and he shall be required to furnish satisfactory evidence that he has had sufficient practical experience in and around mines to discharge the duties of said office, and to see that the provisions of this act are faithfully complied with. He shall

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not be interested as owner, stockholder, superintendent or operator, or be interested in operating any mine during his term of office, which shall be one year, but he may be re-appointed as often as the county board may think proper. The county board of such counties shall fix the number of days to be employed by the county inspector in inspecting the different mines in his county, and enter the same upon the records of said board. He shall receive such compensation for his time actually employed in the performance of the duties of his office, to be verified by his affidavit, to be not less than three dollars, nor more than five dollars per day, to be paid out of the county treasury. The county board shall also provide an anemometor and all necessary instruments for testing the air, and in all cases where the inspector finds the provisions of this act, or any of them, not complied with in operating any mine, it is made his duty to demand and, if necessary, compel by law the collection from the owner or operators of such mine all expenses of said inspection as provided in section two (2) of this act: *Provided,—however*, that in all cases where the county commissioners fail or refuse to appoint a competent and experienced inspector, or where the said inspector fails to attend to or perform, the duties of his office in accordance with the meaning and intent of this act, the Circuit Judge of said county shall, at the request of any ten citizens of said county and upon proper proof of the incompetency or neglect of said inspector to properly perform the duties of his office, remove the said inspector and appoint a properly qualified person to perform the duties of said inspector for the unexpired term.

§ 12. [INSPECTOR'S DUTIES—STATISTICS.] The inspector, provided for under this act, shall see that every necessary precaution is taken to insure the health and safety of the workmen therein employed; that the provisions and requirements of this act be faithfully observed and obeyed, and the penalties of the law enforced against all who willfully disobey its requirements. He shall also collect and tabulate the following facts, that is to say: The number of acres of workable coal lands in his county; the number and thickness of the coal beds, and their respective depths below the surface; how they are mined, whether by shaft, slope, or drift; the number of mines in operation, the number of men employed therein, and the aggregate yearly production in tons; together with an estimate of the amount of capital employed in coal mining in this county, and any other information relative to coal mining that he may deem necessary; all of which facts so tabulated, together with a statement of the condition of the mine, as to safety and ventilation, and the general result of his examination into the causes of all accidents in and about the coal mines of his county; he shall fully set forth, in an annual report to the Governor, with his recommendations as to such other legislation on this subject as may be proper; he shall also furnish such information as he may have obtained on this subject, when called for by the State geologist.

§ 13. [INSPECTION OF MINES—REFUSAL OF OWNER TO PERMIT, ETC.] It shall be lawful for the inspector, provided for in this act, to enter, examine and inspect any and all coal mines and machinery belonging thereto, at all reasonable times, by day or by night, but so as not to obstruct or hinder the necessary workings of such coal mine, and the

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owner, agent or operator of every such coal mine is hereby required to furnish all necessary facilities for entering such examination and inspection, and if the said owner, agent or operator aforesaid shall refuse to permit such inspection or to furnish the necessary facilities for such entry, examination and inspection, the inspector shall file his affidavit setting forth such refusal, with the judge of the circuit court in said county in which said mine is situated, either in term time or vacation, or, in the absence of said judge, with the master in chancery in said county in which said mine is situated, and obtain an order on such owner, agent or operator so refusing as aforesaid, commanding him to permit and furnish such necessary facilities for the inspection of such coal mine, or to be adjudged to stand in contempt of court and punished accordingly, and if the said inspector shall, after examination of any coal mine and the works and machinery pertaining thereto, find the same to be worked contrary to the provisions of this act, or unsafe for the workmen therein employed, said inspector shall, through the States attorney of his county, or any attorney, in case of his refusal to act, acting in the name and on behalf of the State, proceed against the owner, agent or operator of such coal mine by injunction without bond, after giving at least two days notice to such owner, agent or operator; and said owner, agent or operator shall have the right to appear before the judge or master to whom the application is made, who shall hear the same on affidavits and such other testimony as may be offered in support as well as in opposition thereto, and if sufficient cause, appear the court, or judge in vacation, by order shall prohibit the further working of any such coal mine in which persons may be unsafely employed contrary to the provisions of this act, until the same shall have been made safe and the requirements of this act shall have been complied with, and the court shall award such costs in the matter of the said injunction as may be just; but any such proceedings so commenced shall be without prejudice to any other remedy permitted by law for enforcing the provisions of this act.

§ 14. [INJURIES—REMEDIES IN FAVOR OF WIDOW, ETC.] For any injury to person or property, occasioned by any willful violations of this act or willful failure to comply with any of its provisions, a right of action shall accrue to the party injured for any direct damages sustained thereby; and in case of loss of life by reason of such willful violation or willful failure as aforesaid, a right of action shall accrue to the widow of the person so killed, his lineal heirs or adopted children, or to any other person or persons who were before such loss of life, dependent for support on the person or persons so killed, for a like recovery of damages for the injuries sustained by reason of such loss of life or lives.

§ 15. [CONDUCT OF MINERS—INJURY TO MACHINERY, DISOBEDIENCE, ETC.] Any miner, workmen or other person who shall knowingly injure any water-gauge, barometer, air-course or bratice, or shall obstruct, throw open any air-ways, or carry any lighted lamps or matches into places that are worked by the light of safety lamps, or shall handle or disturb any part of the machinery of the hoisting engine, or open a door in the mine and not have the same closed again, whereby danger

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is produced either to the mine or those at work therein; or who shall enter into any part of the mine against caution; or who shall disobey any order given in pursuance of this act; or who shall do any willful act whereby the lives and health of persons working in the mine, or the security of the mine or mines, or the machinery thereof, is endangered, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by fine or imprisonment, at the discretion of the court.

§ 16. [TIMBER FOR PROPS, ETC.] The owner, agent or operator of any coal mine shall keep a sufficient supply of timber, where required to be used as props, so that the workmen may at all times be able to properly secure the said workings from caving in; and it shall be the duty of the owner, agent or operator to send down all such props when required.

§ 17. [REPEAL.] All acts or parts of acts inconsistent with the provisions of this act are and the same are hereby repealed.

APPROVED May 28th, 1879.

MORTGAGES.

POWERS OF SALE IN MORTGAGES AND TRUST DEEDS.

§ 1. Foreclosure.

AN ACT *in relation to Mortgages and Trust Deeds. Approved May* 7, 1879. *In force July* 1, 1879.

SECTION 1. [FORECLOSURE.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That no real estate within this State, shall be sold by virtue of any power of sale, contained in any mortgage, trust deed or other conveyance in the nature of a mortgage, executed after the taking effect of this act; but all such mortgages, trust deeds or other conveyances in the nature of a mortgage, shall only be foreclosed, in the manner provided for foreclosing mortgages containing no power of sale; and no real estate shall be sold to satisfy any such mortgage, trust deed or other conveyance in the nature of a mortgage, except in pursuance of a judgment or decree of a court of competent jurisdiction.

APPROVED May 7th, 1879.

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PARKS.

CONTINUANCE OF TOWNS FOR PARK PURPOSES.

§ 1. Township organization for park purposes.
§ 2. Question of continuance submitted to electors.
§ 3. Exception.

AN ACT *concerning the continuance of towns for park purposes. Approved May* 28, 1879. *In force July* 1, 1879.

SECTION 1. [TOWNSHIP ORGANIZATION CONTINUED FOR PARK PURPOSES.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That where a town existing under township organization, and being also one of two or more towns for park purposes and whose commissioners are corporate authorities thereof, duly authorized to levy taxes and assessments for park purposes, shall, by the order and determination of the county board be annexed to or consolidated with another town or towns as authorized by the law concerning township organization, such town shall, for such park purposes, remain and continue, and the corporate authorities aforesaid shall be continued with all their powers, duties and obligations, and all taxes and assessments for park purposes, shall be levied, extended and collected with like force and effect as if such annexation and consolidation had not taken place.

§ 2. [QUESTION OF CONTINUANCE SUBMITTED TO ELECTORS.] When the county board of commissioners or supervisors wish to consolidate a town with some other town or towns, or change the boundaries thereof, and where the corporate authorities of the town proposed to be abolished, or changed, or consolidated, are authorized to assess, levy and certify taxes for park purposes, such county board shall first submit to the legal voters of the town at an election to be held on the Tuesday after the first Monday of November, the question whether, such town shall be established, and continued as a park district or town for park purposes, the tickets shall be written or printed, "For Park District," or, "Against Park District," and if a majority of the votes cast at the election on that subject, shall be for a park district, then the park district shall be deemed as established, and the town continued for park purposes, and the park commissioners appointed pursuant to law, shall thereupon be the corporate authorities of such park district or town, and shall have and exercise all the power, and authority, and perform all the duties enjoined by law, on the corporate authorities of such town, for the establishment or maintenance of the park, and for the discharge of all debts, bonds, obligations and contracts of such town for park purposes. The mode of conducting such election, the returns thereof, and the notice therefor, the canvassing and contesting the same, shall be as nearly as may be, as in case of county officers. If such park district is established, or town continued for park purposes, as aforesaid, then the county board, may, proceed to consolidate said town with another town or towns, or change the boundaries thereof, in the manner provided by law.

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§ 3. [EXCEPTIONS.] Nothing in this act shall be held to abrogate any of the powers, duties or functions of the park commissioners of any town or towns, as established by law, nor to impair the validity of any tax, or assessment or the collection thereof, levied or in process of collection prior to such annexation or consolidation, nor to disturb the relations which may exist between any town so annexed or consolidated with other towns composing the same park district for park purposes.

APPROVED May 28th, 1879.

CORPORATE AUTHORITIES—BONDS—PAYMENT.

§ 1. Corporate authorities may levy park tax.
§ 16. Funding indebtedness—bonds may be issued.
§ 17. How bonds executed—amount—how payable.
§ 18. Sale of bonds—application of proceeds.
§ 19. Provision for payment of bonds.
§ 20. Emergency.

AN ACT *to amend section one* (1) *of an act entitled "An Act in regard to the completion, improvement and management of public parks and boulevards, and to provide a more efficient remedy for the collection of delinquent assessments," approved May* 2, 1873, *and to further amend said act by adding thereto sections to be numbered sixteen* (16), *seventeen* (17), *eighteen* (18), *nineteen* (19), *and twenty* (20). *Approved and in force May* 31, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section one (1) of an act entitled "An Act in regard to the completion, improvement and management of public parks, and boulevards, and to provide a more efficient remedy for the collection of delinquent assessments," approved May 2, 1873, be and the same is hereby amended to read as follows; and that said act be and is hereby further amended by adding thereto the following sections numbered sixteen (16), seventeen (17), eighteen (18), nineteen (19) and twenty (20.)

§ 1. [CORPORATE AUTHORITIES MAY LEVY PARK TAX.] That in any town which is now included within the limits of any city in this State in which a board of park commissioners shall now exist, having authority by law to acquire land and the appurtenances in trust for the inhabitants of such town, and of a division or part of such city, and for such parties or persons, as may succeed to the rights of such inhabitants, and for the public as a public promenade and pleasure grounds and ways, but not for any other use or purpose without the consent of a majority, by frontage of the owners of the property fronting the same, and without the power to sell, alienate, mortgage or incumber the same, the corporate authorities of such town shall have the power to levy and collect annually a tax not exceeding two and one-half mills on the dollar of the taxable property in such town, ac-

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cording to the valuation of the same as made for the purpose of State and county taxation, to be used and expended by such park commissioners in governing, maintaining and improving such parks and boulevards, or pleasure ways, and paying other necessary and incidental expenses incurred in and about the management of such parks and boulevards.

§ 16. [FUNDING INDEBTEDNESS—BONDS MAY BE ISSUED.] In any town which is now included within the limits of any city of this State in which such a board of park commissioners shall now exist as is specified in section 1, of this act, the corporate authorities of such town, meaning the town supervisor, clerk and assessor thereof, shall have authority, and are hereby empowered, to issue bonds for and on behalf of said town, to an amount not exceeding in the aggregate of principal, three hundred thousand dollars ($300,000), and including existing indebtedness of said town, so that the aggregate indebtedness of said town shall not exceed five per centum of the value of the taxable property therein, to be ascertained by the last assessment for State and county taxes previous to the issue from time to time of said bonds, for the purpose of funding any indebtedness legally contracted before the passage of this act, and now existing on the part of said board of park commissioners, with the interest which has accrued or shall accrue thereon, but for no other use or purpose.

§ 17. [HOW BONDS EXECUTED—AMOUNT—HOW PAYABLE.] Such bonds shall be issued by the corporate authorities of such town as aforesaid, in the name of said town, when thereunto required by the said board of park commissioners. Said bonds shall be signed by the said corporate authorities in the name of said town, and when so signed shall be delivered by such corporate authorities, to said board of park commissioners, who shall before issuing the same, attach to or indorse upon each one of the same a certificate which shall be signed by said commissioners, or a majority of them, and countersigned by the secretary of said board, and the seal of said board shall be thereto affixed. Such certificate, so attached or indorsed upon said bonds, shall be evidence of the requisition of said board of park commissioners for the issue of the same, and that the same have been regularly and properly issued. Said bonds may be of the denomination of twenty-five ($25), dollars and any multiple thereof. They shall bear interest at the rate of not exceeding six per cent. per annum, to be paid semi-annually, and to be evidenced by coupons thereto attached, and the principal shall be payable at such time as said commissioners may determine, not exceeding twenty years from the date of their issue. They shall be numbered in regular series, and shall be registered upon the records of said board of park commissioners, which registry shall show the number of the bonds, the amount of the same, when payable and to whom payable, and the rate of interest which the same bear. Said bonds may be made payable to bearer, or to such person or persons as may be named therein, or order, when payable to bearer, they shall pass by delivery, but provisions shall be made for the second registry of the same in the office of said board of park commissioners, at the option of the holder, and in his name; after which second registry, they, together with bonds made payable to any

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particular person or persons, shall pass only by indorsement and delivery.

§ 18. [SALE OF BONDS—APPLICATION OF PROCEEDS.] Bonds issued under this act may be issued in substitution for any indebtedness, legally existing at the time of the passage of this act, of said board of park commissioners, and may be sold by said board of park commissioners for such prices as it shall deem expedient. They shall not, however, be sold at less than par, nor until the proceeds of the same can be made available for the purpose of cancelling such existing indebtedness; and the proceeds of bonds sold shall be used only for the payment of such existing indebtedness. Any person who shall knowingly violate or connive at the violation of any of the provisions of this act, shall be deemed guilty of embezzlement, and shall be liable to indictment, trial and punishment, as in other cases of embezzlement.

§ 19. [PROVISION FOR PAYMENT OF BONDS.] For the purpose of providing for the payment of the interest on such bonds as it falls due, and also to pay and discharge the principal thereof, at the maturity of the same; said board of park commissioners are hereby required and directed to appropriate any annual park tax not exceeding one-half of one mill, upon the taxable property in any such town, whether known as "boulevard and park tax" or otherwise, heretofore authorized and directed to be levied under authority of law and the vote of the people of such town, and the proceeds of such tax are hereby pledged for the payment of such interest and principal. *Provided*, that the pledge of such tax shall not prevent the use by such corporate authorities or said board of park commissioners, of any other funds which may be in their control, and which may be properly applicable for the payment of such interest or principal.

§ 20. [EMERGENCY.] WHEREAS, In one of the towns hereinbefore referred to, indebtedness incurred by the board of park commissioners now exists, which has matured and which bears a rate of interest greater than six per cent, per annum; and,

WHEREAS, It is believed that by the issue of bonds, as herein contemplated, its indebtedness can be funded at a less rate of interest, and greatly to the advantage of the inhabitants of said town; and;

WHEREAS, An emergency exists for the passage of this act, now, therefore, it is hereby declared that this act shall take effect and be in force from and after its passage.

APPROVED May 31st, 1879.

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DRIVES TO PUBLIC PARKS.

§ 1. Drives to public parks.
§ 2. Taxes—special assessments
§ 3 Control by park commissions.
§ 4. Reversion to corporate authorities—when.
§ 5. City, etc., may grant control.
§ 6. Emergency.

AN ACT *to enable Park Commissioners or Corporate authorities to take, regulate, control and improve public streets leading to public parks; to pay for the improvement thereof, and in that behalf to make and collect a special assessment, or special tax on contiguous property. Approved and in force April* 9, 1879.

SECTION 1. [DRIVES TO PUBLIC PARKS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That every board of park commissioners shall have power to connect any public park, boulevard or drive-way under its control, with any part of any incorporated city, town or village, by selecting and taking any connecting street or streets or parts thereof, leading to such park: *Provided,* that the streets so selected and taken, so far as taken, shall lie within the district or territory, the property of which shall be taxable for the maintenance of such park: *And provided further,* that the consent of the corporate authorities having control of any such street or streets so far as selected and taken, and also the consent in writing of the owners of a majority of the frontage of the lots and lands abutting on such street or streets, so far as taken, shall be first obtained: *And provided further,* that such connection or improvement, shall embrace only such street or streets, as are necessary to form one continuous improvement.

§ 2. [TAXES—SPECIAL ASSESSMENTS, ETC.] That such board of park commissioners or such corporate authorities, as are by law authorized to levy taxes or assessments for the maintenance of such parks, shall have power to improve such street or streets in such manner as they may deem best; and for that purpose they are hereby authorized to pay for the improvement thereof, and from time to time, to levy or cause to be levied and collected a special tax or assessment on contiguous property abutting upon such street so improved, for a sum of money not exceeding the estimated cost of such first improvement or improvements, as shall be ordered and estimated by such Board of Park Commissioners, but not for any subsequent repair thereof. And to that end such Board or Corporate Authorities shall have all the power and authority now or hereafter granted to them respectively, relative to the levy, assessment and collection of taxes or assessments for corporate purposes. And such special taxes or assessments as are hereby authorized, may be divided into not exceeding four annual installments, bearing interest at the rate of six per cent, per annum from the date of confirmation until paid; and the said assessment or installments thereof shall be collected and enforced in the same manner as is provided by law for the collection and enforcement of other taxes and assessments, for, or on account of such corporate bodies, or boards, as aforesaid, so far as the same are applicable.

§ 3. [CONTROL BY PARK COMMISSIONERS.] Such park boards shall have the same power and control over the parts of streets taken under

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this act, as are or may be by law vested in them of, and concerning the parks, boulevards or driveways under their control.

§ 4. [REVERSION TO CORPORATE AUTHORITIES—WHEN.] In case any such streets or parts thereof, shall pass from the control of any such park board, the power and authority over the same, granted or authorized by this act shall revert to the proper corporate authorities of such city, town or village, respectively as aforesaid.

§ 5. [CITY, ETC., MAY ACQUIRE CONTROL OF PARK COMMISSIONERS.] Any city, town or village in this State, shall have full power and authority to invest any of such park boards with the right to control, improve and maintain any of the streets of such city, town or village, for the purpose of carrying out the provisions of this act.

§ 6. [EMERGENCY.] WHEREAS, There is a necessity for the immediate construction of the improvements contemplated in this act, therefore an emergency exists and this act shall take effect and be in force from and after its passage.

APPROVED April 9th, 1879.

PARK PURPOSES—PROPERTY FOR.

§ 1. Park commissioners may take by devise, etc., property for park purposes.
§ 2. Emergency.

AN ACT *to authorize park commissioners to take by grant, devise, bequest or conveyance, property for park, driveway and other purposes therewith connected. Approved and in force May* 31, 1879.

SECTION 1. [PARK COMMISSIONERS MAY TAKE BY DEVISE, ETC., PROPERTY FOR PARK PURPOSES.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That in all cases where the commissioners of any park have been named in the act establishing the same, and their successors have since been appointed by the Governor of this State, real and personal property may be granted, bequeathed, devised or conveyed to such Commissioners for the purposes of the establishment of any driveway connected or proposed to be connected, either directly or by means of a public highway or street, with such park, or for the extension, improvement or ornamentation of such park or driveway, or for the establishment and maintenance within the limits of such park, of museums, zoological or other gardens, collections of natural history, observatories or works of art, upon such trusts and subject to such conditions as may be prescribed by the grantors or donors thereof, and agreed to by the said Board of Park Commissioners, and all property so devised, granted, bequeathed or conveyed, and the rents, issues, profits and income there-

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of, shall be subject to the exclusive management, direction and control of the Commissioners of the Park, and when any real property shall be so acquired, it shall form a part of such park, and be managed and governed as a part thereof.

§ 2. [EMERGENCY.] WHEREAS, in some towns, villages and cities park driveways ought to be selected and improved forthwith, and other purposes and objects of this bill ought to be made immediately possible, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED May 31st, 1879.

PARDONS.

PARDONS—APPLICATION FOR.

§ 1. Application for pardon, how made. | § 2. Notice.

AN ACT *to regulate the manner of applying for pardons, reprieves and commutations. Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. [APPLICATION FOR PARDON—HOW MADE.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That hereafter all applications for reprieves, commutations and pardons shall be made by petition in writing to the Governor, signed by the party under conviction, or other persons in his behalf, which petition shall contain a brief history of the case and the reasons why such pardon should be granted; and shall also be accompanied by a statement in writing made by the judge and prosecuting attorney of the court in which the conviction was had; stating the opinion of said judge and prosecuting attorney in regard to the same, or satisfactory reasons shall be given to the Governor, why such statements of the judge and prosecuting attorney, or either of them, do not accompany such petition; and it shall be the duty of such judge and prosecuting attorney to give such opinion, whenever such petition shall be presented to them.

§ 2. [NOTICE.] Notice of the proposed application shall be given by publication for three weeks prior thereto, in a newspaper published in the county where the conviction was had, a duly certified copy of which notice shall accompany said petition: *Provided*, the Governor may dispense with publication of notice, when in his judgment justice or humanity requires it.

APPROVED May 31st, 1879.

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PAWNBROKERS.

§ 1. Pawnbrokers defined.
§ 2. Rates and percentage allowed.
§ 3. Penalty for violation.

AN ACT *for the regulation of Pawnbrokers. Approved June* 4, 1879. *In force July* 1, 1879.

SECTION 1. [PAWNBROKERS DEFINED.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That every person or company engaged in the business of receiving property in pledge, or as security for money or other thing advanced to the pawner or pledger, shall be held and is hereby declared and defined to be a pawnbroker.

§ 2. [RATES OF PERCENTAGE ALLOWED.] It shall be unlawful for any pawnbroker, as herein provided, to charge or collect a greater benefit or percentage upon money advanced, and for the use and forbearance thereof, than the rate of three per cent, per month: *Provided*, that nothing herein shall be construed so as to conflict with the law pertaining to usury; and the person receiving money so advanced shall not be held to pay any storage, insurance or other charges other than such interest as herein provided.

§ 3. [PENALTY FOR VIOLATION.] Every pawnbroker who shall be found guilty of a violation of the provisions of this act, shall, for the first offense, be fined a sum not less than twenty dollars, nor more than one hundred dollars, and for each subsequent offense not less than fifty dollars, nor more than two hundred dollars, or imprisonment in the county jail not exceeding thirty days, or either or both, in the discretion of the court: *Provided*, that this act shall not be so construed as to, in anywise, impair the power of cities or villages in this State to license, tax, regulate, suppress and prohibit pawnbrokers as now provided by law.

APPROVED June 4th, 1879.

PENITENTIARY.

PENITENTIARY—SOUTHERN.

§ 1. Defines jurisdiction—Governor may change.
§ 2. Emergency.

AN ACT *to amend section eleven of an act entitled "An act to locate, construct and carry on the Southern Illinois Penitentiary," approved May* 24, 1877. *Approved and in force April* 5, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section eleven (11) of an

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act entitled "An act to locate, construct and carry on the Southern Illinois Penitentiary," approved May 24, 1877, be amended so as to read as follows:

§ 11. [JURISDICTION—GOVERNOR MAY CHANGE.] Whenever the said penitentiary is ready for the accommodation and safe keeping of convicts, the said commissioners or a majority of them shall certify that fact to the Secretary of State, and thereupon the Secretary of State shall notify all the judges of the Circuit Courts and other courts having criminal jurisdiction, in the counties lying south of the following tier of counties, to wit: Iroquois, Ford, McLean, Tazewell, Peoria, Knox, Warren and Henderson, and after such notice, all convicts sentenced to the penitentiary in the counties aforesaid, shall be committed to the penitentiary provided for by this act: *Provided*, that the authorities in charge of the Southern Illinois Penitentiary and the one at Joliet may, with the approval of the Governor, make such exchange of prisoners from one building to the other as good discipline and the interest of the State may require; *And, provided, further*, that the Governor may, from time to time, change the boundaries of the penitentiary districts in such manner as to make the size of the districts bear due proportion to the capacity of the prisons therein. When he deems such change to be necessary he shall certify the same to the Secretary of State, designating the counties which are to be changed from one district to the other, and thereupon the Secretary of State shall notify the judges and clerks of all courts having criminal jurisdiction in the counties affected by the change; and after such notice all convicts sentenced to the penitentiary in such counties shall be committed to the prison of the district in which the county has been placed.

§ 2. [EMERGENCY.] WHEREAS, an emergency exists, therefore, this act shall take effect and be in force from and after its passage.

APPROVED April 5th, 1879.

PENITENTIARY—AT JOLIET.

§ 1. Commissioners—term of office—vacancy.

AN ACT *to amend an act entitled "An act in relation to the Penitentiary at Joliet, to be entitled "An act to provide for the management of the Illinois State Penitentiary at Joliet," approved June* 16, 1871, *in force July* 1st, 1871. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section four (4) of an act entitled "An Act in relation to the Penitentiary at Joliet, to be entitled "An Act to provide for the management of the Illinois State Penitentiary at Joliet," approved June 16th, 1871, in force July 1st, 1871, be so amended as to read as follows:

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§ 4. [COMMISSIONERS—TERM OF OFFICE—VACANCIES.] The commissioners shall be appointed by the Governor, by and with the advice and consent of the Senate, and be subject to removal by the Governor at his discretion; which removal and the cause thereof shall be reported by the Governor, to the next General Assembly. Those now in office shall continue to hold such offices during the terms for which they were respectively appointed, unless sooner removed by the Governor, at the expiration of the terms of office for which the present commissioners have been appointed, and biennially thereafter there shall be appointed by the Governor, by and with, the advice and consent of the Senate, one penitentiary commissioner, who shall hold his office for the term of six years, unless sooner removed by the Governor. In case of any vacancy occasioned by the removal from the State by any person so appointed, or death, or resignation, or non-acceptance of the office, or removal from office by the Governor, of any such person so appointed, the Governor shall immediately appoint a person to fill such vacancy for the residue only of such term. And all appointments made by the Governor when the Senate is not in session, shall be valid until acted upon at the next session of the Senate.

APPROVED May 31st, 1879.

PRACTICE.

WHEN RECORD TO BE FILED.

§ 72. When record to be filed.

AN ACT *to amend section* 72 *of an act entitled "An act in regard to practice in courts of record," approved February* 22, 1872, *as amended by an act entitled "An act to amend an act entitled an act in regard to practice in courts of record," approved June* 2, 1877. *Approved May* 24, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section seventy-two (72) of an act entitled "An act in regard to practice in courts of record," approved February 22, 1872, as amended by an act entitled "An act to amend an act entitled an act in regard to practice in courts of record," approved June 2, 1877, be amended so as to read as follows:

§ 72. [WHEN RECORD TO BE FILED.] Authenticated copies of records of judgments, orders and decrees appealed from, shall be filed in the office of the clerk of the supreme court, or of the appellate court, as the case may be, on or before the second day of the succeeding term of said courts: *Provided*, twenty (20) days shall have intervened between the last day of the term at which the judgment, order or decree appealed from shall have been entered and the sitting

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of the court to which the appeal shall be taken; but if ten (10) days and not twenty (20) shall have intervened as aforesaid, then the record shall be filed as aforesaid on or before the tenth (10th) day of said succeeding term, otherwise the said appeal shall be dismissed unless further time to file the same shall have been granted by the court to which said appeal shall have been taken upon good cause shown.

APPROVED May 24th, 1879.

APPEALS--BONDS NOT REQUIRED.

§ 71. State, counties, etc., may appeal without bond.
§ 88. Appeals in criminal cases.

AN ACT *to amend sections seventy-one* (71), *and eighty-eight* (88), *of an act entitled "An Act to amend An Act, entitled "An Act in regard to practice in courts of record," approved February* 22*nd*, 1872, *approved June* 2*nd*, 1877, *in force July* 1, 1877. *Approved June* 3, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That sections seventy-one (71), and eighty-eight (88) of an act entitled "An Act to amend an act entitled "An Act in regard to Practice in Courts of Record," approved February 22, 1872, June 2d, 1877, in force July 1, 1877, be amended so as to read as follows:

§ 71. [STATE, COUNTIES, ETC., MAY APPEAL WITHOUT BOND.] The State, counties, cities, villages, towns, school districts and all other municipal corporations, and the corporations of all charitable, educational, penal or reformatory institutions under the patronage and control of the State, and all public officers, when suing or defending in their official capacities, for the benefit of the public, may in all cases of appeal or writ of error by them from any inferior court to any higher court prosecute the same, without giving bond; and the supreme or appellate court, or the judges thereof, in vacation may, grant writs of supersedeas on any writ of error or appeal, when prosecuted by the State, or any of said corporations or public officers, without requiring any bond to be given as required by law as in other cases.

§ 2. That section eighty-eight (88) of said act be so amended as to read as follows:

§ 88. [APPEALS IN CRIMINAL CASES.] Appeals from and writs of error to circuit courts, the superior court of Cook county, the criminal court of Cook county, county courts and city courts in all criminal cases, below the grade of felony, shall be taken directly to the appellate court, and in all criminal cases above the grade of misdemeanors, and cases in which a franchise or freehold or the validity of a statute or construction of the constitution is involved; and in all cases relating to revenue, or in which the State is interested as a party or other-

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wise, shall be taken directly to the supreme court. In all cases of writs of error and appeals, prosecuted or taken from any decision of any of the appellate courts to the supreme court, it shall not be necessary for the clerk of the appellate court, in which said cause was heard and determined, to make out and certify a copy of the original transcript of the record, filed in the said appellate court, but it shall be sufficient for, and it is hereby made the duty of the clerk of said appellate court, to transmit the original transcript of the record filed in his office, with his official certificate and seal of office, authenticating the same, with a true and perfect copy of all the orders and proceedings appearing of record in said cause; which said copy of the record, and proceedings duly authenticated with the seal of said court, shall be transmitted to, and filed in the supreme court, and the clerk of the appellate court, shall be entitled to receive from the party procuring said record and transcript, the fees allowed by law, for his certificate and copy of the proceedings had in the appellate court, and he shall not be entitled to charge or receive any fee for copying or transmitting said original transcript, other than for his certificate, and the reasonable cost of sending said transcript and record from his office, either by mail, or by express to the clerk of the supreme court. That all laws or parts of laws in conflict with this act are hereby repealed.

APPROVED June 3d, 1879.

RAILROADS.

CONDUCTORS—POLICE POWERS.

§ 2. Conductors invested with police powers.
§ 3. Ejection of passenger from train.
§ 4. When passengers may be arrested.

AN ACT *to amend an act entitled "An Act for the protection of passengers on railroads" approved May* 14, 1877; *in force July* 1, 1877. *Approved May* 29, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That an act entitled "An Act for the protection of passengers on railroads," approved May 14, 1877, in force July 1, 1877, be amended so as to read as follows: "An act for the protection of passengers on railroads and steamboats."

§ 2. [CONDUCTORS INVESTED WITH POLICE POWERS.] That the conductors of all railroad trains, and captain or master of any steamboat carrying passengers within the jurisdiction of this State, shall be invested with police powers while on duty on their respective trains and boats.

§ 3. [EJECTION OF PASSENGER FROM TRAIN.] When any passenger shall be guilty of disorderly conduct, or use any obscene

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language, to the annoyance and vexation of passengers, or play any games of cards, or other games of chance for money or other valuable thing, upon any railroad train or steamboat, the conductor of such train, and captain or master of such steamboat, is hereby authorized to stop his train or steamboat, at any place where such offense has been committed and eject such passenger from the train or boat using only such force as may be necessary to accomplish such removal, and may command the assistance of the employes of the railroad company, or steamboat, or any of the passengers, to assist in such removal; but before doing so he shall tender to such passenger such proportion of the fare he has paid as the distance he then is from the place to which he has paid his fare, bears to the whole distance for which he has paid his fare.

§ 4. [WHEN PASSENGER MAY BE ARRESTED.] When any passenger shall be guilty of any crime or misdemeanor upon any train, or steamboat, the conductor, captain or master, or employes of such train, or boat, may arrest such passenger and take him before any justice of the peace, in any county through which such boat or train may pass, or in which its trip may begin or terminate, and file an affidavit before such justice of the peace, charging him with such crime or misdemeanor.

APPROVED May 29th, 1879.

FENCING TRACK.

§ 1. Fencing track--cattle guards.

AN ACT *to amend an act entitled "An act to amend section one of an act entitled "An act in relation to fencing and operating railroads," approved March 31st, 1874, approved May 23, 1877, in force July 1, 1877. Approved May 29, 1879. In force July 1, 1879.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to amend section one, of an act entitled "An act in relation to fencing and operating railroads; approved March 31, 1874, approved May 23, 1877, in force July 1, 1877, be amended so as to read as follows:

§ 1. [FENCING TRACK—CATTLE GUARDS.] That every railroad corporation shall, within six months after any part of its line is open for use, erect and thereafter maintain fences on both sides of its road or so much thereof as is open for use, suitable and sufficient to prevent cattle, horses, sheep, hogs or other stock from getting on such railroad, except at the crossings of public roads and highways, and within such portion of cities and incorporated towns and villages as are or may be hereafter laid out and platted into lots and blocks, with gates or bars at the farm crossings of such railroad, which farm crossings shall be constructed by such corporation when and where the same may become necessary, for the use of the proprietors of the lands adjoining

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such railroad; and shall also construct, where the same has not already been done, and thereafter maintain at all road crossings now existing or hereafter established, cattle-guards, suitable and sufficient to prevent cattle, horses, sheep, hogs and other stock from getting on such railroad; and when such fences or cattle-guards are not made as aforesaid, or when such fences or cattle-guards are not kept in good repair, such railroad corporations shall be liable for all damages which may be done by the agents, engines or cars of such corporation, to such cattle, horses sheep hogs or other stock thereon, and reasonable attorneys fees, in any court wherein suit is brought for such damages, or to which the same may be appealed; but where such fences and guards have been duly made and kept in good repair, such railroad corporation shall not be liable for any such damages, unless negligently or willfully done.

APPROVED May 29th, 1879.

STOP AT STATIONS.

§ 25. Time of stop at stations.

AN ACT *to amend section twenty-five of "An Act in relation to fencing and operating railroads," approved March* 31, 1874, *in force July* 1, 1874. *Approved May* 29, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section twenty-five of an act entitled "An Act in relation to fencing and operating Railroads," approved March 31, 1874, in force July 1, 1874, be amended so as to read as follows:

§ 25. [TIME OF STOP AT STATIONS.] Every railroad corporation shall cause its passenger trains to stop upon its arrival at each station, advertised by such corporation as a place for receiving and discharging passengers, upon and from such trains, a sufficient length of time to receive and let off such passengers with safety: *Provided*, all regular passenger trains shall stop a sufficient length of time at the railroad station of county seats, to receive and let off passengers with safety.

APPROVED May 29th, 1879.

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RAILROADS AND WAREHOUSES.

FEES.

§ 4. Fees.

AN ACT *to amend section four* (4) *of an act entitled "An act to amend an act entitled "An act to regulate Public Warehouses, and the warehousing and inspection of grain, and to give effect to Article thirteen* (13) *of the Constitution of the State," approved April* 25, 1871, *and in force July* 1, 1871, *and to establish a Committee of Appeals, and prescribe their duties," approved April* 15, 1873, *and in force July* 1, 1873. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section four of said act be amended to read as follows:

§ 4. [FEES.] The said Committee of Appeals shall receive, as full compensation for their services as such Committee of Appeals, the sum of one thousand dollars ($1,000) each, per year, said salary to be paid from the inspection fund, or by the party taking the appeal, under such rules as the commissioners may prescribe; and all necessary expenses incurred in carrying out the provisions of this act, except as herein otherwise provided, shall be paid out of the funds collected for the inspection service, on the order of the commissioners.

APPROVED May 31st, 1879.

CHIEF INSPECTOR—DUTIES OF.

§ 1. Chief inspector—duties—assistants—oath and bond—rules of inspection—charges—pay of inspectors—registrar—general supervision—pay—removal from office—expenses.
§ 2. Emergency.

AN ACT *to amend section fourteen* (14), *of an act entitled, "An act to regulate public warehouses, and the warehousing and inspection of grain, and to give effect to article thirteen* (13) *of the constitution of this state," approved April* 25, 1871, *in force July* 1, 1871. *Approved and in force May* 28, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section fourteen (14) of an act entitled "An act to regulate public warehouses, and the warehousing and inspection of grain, and to give effect to article thirteen (13) of the constitution of this state," approved April 25, 1871, in force July 1, 1871, be, and the same is, hereby amended to read as follows:

SECTION 1, ¶ 1. [CHIEF INSPECTOR.] It shall be the duty of the Governor to appoint by, and with the advice and consent of the Senate, a suitable person, who shall not be a member of the board of trade, and who shall not be interested either directly or indirectly, in any warehouse

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in this State, a chief inspector of grain, who shall hold his office for the term of two years, unless sooner removed as hereinafter provided for in every city or county in which is located a warehouse of class A, or class B: *Provided*, that no such grain inspector for cities or counties in which are located warehouses of class B, shall be appointed, except upon the application and petition of two or more warehouse men doing a separate and distinct business," residing and doing business in such city or county, and when there shall be a legally organized board of trade in such cities or counties; such application and petition shall be officially endorsed by such board of trade, before such application and petition shall be granted.

¶ 2. [His duties.] It shall be the duty of such chief inspector of grain to have a general supervision of the inspection of grain as required by this act or laws of this State, under the advice and immediate direction of the Board of Commissioners of Railroads and Warehouses.

¶ 3. [Assistant inspectors.] The said chief inspector shall be authorized to nominate to the Commissioners of Railroads and Warehouses, such suitable persons, in sufficient numbers, as may be deemed qualified for assistant inspectors, who shall not be members of the board of trade, nor interested in any warehouse, and also such other employes as may be necessary to properly conduct the business of his office; and the said commissioners are authorized to make such appointments.

¶ 4. [Chief inspector's oath and bond.] The chief inspector shall upon entering upon the duties of his office, be required to take an oath, as in cases of other officers, and he shall execute a bond to the people of the State of Illinois, in the penal sum of fifty thousand dollars when appointed for any city in which is located a warehouse of class A, and ten thousand dollars, when appointed for any other city or county, with sureties to be approved by the board of commissioners of railroads and warehouses, with a condition therein that he will faithfully and strictly discharge the duties of his said office of inspector according to law, and the rules and regulations prescribing his duties; and that he will pay all damages to any person or persons who may be injured by reason of his neglect, refusal or failure to comply with law, and the rules and regulations aforesaid.

¶ 5. [Assistant inspector's oath and bond.] And each assistant inspector shall take a like oath; execute a bond in the penal sum of five thousand dollars, with like conditions, and to be approved in like manner as is provided in case of the chief inspector, which said several bonds shall be filed in the office of said commissioner; and suit may be brought upon said bond or bonds in any court having jurisdiction thereof, in the county where the plaintiff or defendant resides, for the use of the person or persons injured.

¶ 6. [Rules for inspection—charges.] The chief inspector of grain, and all assistant inspectors of grain, and other employes in connection therewith, shall be governed in their respective duties by such rules and regulations as may be prescribed by the board of commis-

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sioners of railroads and warehouses; and the said board of commissioners shall have full power to make all proper rules and regulations for the inspection of grain; and shall, also, have power to fix the rate of charges for the inspection of grain, and the manner in which the same shall be collected; which charges shall be regulated in such a manner as will in the judgment of the commissioners, produce sufficient revenue to meet the necessary expenses of the service of inspection, and no more.

¶ 7. [PAY OF INSPECTOR AND ASSISTANTS, ETC.] It shall be the duty of the said board of commissioners to fix the amount of compensation to be paid to the chief inspector, assistant inspectors, and all other persons employed in the inspection service, and prescribe the time and manner of their payment.

¶ 8. [APPOINTMENT OF REGISTRAR AND ASSISTANTS.] The said Board of Commissioners of Railroads and Warehouses are hereby authorized to appoint a suitable person as warehouse registrar, and such assistants as may be deemed necessary to perform the duties imposed upon such registrar by the provisions of this act.

¶ 9. [GENERAL SUPERVISION—PAY, ETC.] The said board of commissioners shall have and exercise a general supervision and control of such appointees; shall prescribe their respective duties; shall fix the amount of their compensation, and the time and manner of its payment.

¶ 10. [REMOVAL FROM OFFICE.] Upon the complaint, in writing, of any person, to the said board of commissioners, supported by reasonable and satisfactory proof, that any person appointed or employed under the provisions of this section has violated any of the rules prescribed for his government, has been guilty of any improper official act, or has been found insufficient or incompetent for the duties of his position, such person shall be immediately removed from his office or employment by the same authority that appointed him; and his place shall be filled, if necessary, by a new appointment, or in case it shall be deemed necessary to reduce the number of persons so appointed or employed, their term of service shall cease under the orders of the same authority by which they were appointed or employed.

¶ 11. [EXPENSES HOW PAID.] All necessary expenses incident to the inspection of grain, and to the office of registrar, economically administered, including the rent of suitable offices, shall be deemed expenses of the inspection service, and shall be included in the estimate of expenses of such inspection service, and shall be paid from the funds collected for the same.

§ 2. [EMERGENCY.] Inasmuch as there now is a large quantity of grain in warehouses of Class B, which can have no legal inspection, an emergency exists, therefore this act shall be in force from and after its passage.

APPROVED May 28th, 1879.

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RAILROAD AND IMPROVEMENT AID BONDS.

§ 1. New bonds may be issued for old.
§ 2. Valuation of taxable property to be indorsed on bond.
§ 3. Election—notice.
§ 4. Registration.
§ 5 Auditor to certify rate required.
§ 6. State custodian-collection-payment.
§ 7. How money disbursed.
§ 8. When bonds mature and are not paid.
§ 9. Entry of payment.
§ 10. Fees—collector's bond.

AN ACT *to amend an act, approved April* 27, 1877, *entitled "An act to amend an act entitled, an act relating to county and city debts, and to provide for the payment thereof, by taxation, in such counties and cities, approved February* 13, 1865; *and to amend the title thereof." Approved June* 4, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That an act, approved April 27, 1877, entitled, "An Act to amend an act entitled, 'an act relating to county and city debts, and to provide for the payment thereof by taxation, in such counties and cities approved February 13, 1865; and to amend the title thereof," be, and the same is, hereby amended, so that section two, shall read as follows:

§ 2. The first and subsequent sections of the said act, shall be as follows:

§ 1. [NEW BONDS MAY BE ISSUED FOR INDEBTEDNESS IN PLACE OF OLD ONES.] That in all cases where any county, city, town, township, school district, or other municipal corporation, has issued bonds or other evidences of indebtedness, for money, or has contracted debts, which are the binding, subsisting legal obligations of such county, city, town, township, school district, or other municipal corporation, and the same, or any portion thereof, remain outstanding and unpaid, it shall be lawful for the proper corporate authorities of any such county, city, town, township, school district, or other municipal corporation, upon the surrender of any such bonds or other evidences of indebtedness, or any number or portion thereof, to issue, in lieu or place thereof, to the owners or holders of the same, new bonds prepared as hereinafter directed, and for such amounts, upon such time not exceeding twenty years, payable at such place, and bearing such rate of interest, not exceeding seven per centum per annum, as may be agreed upon with the owners or holders of such outstanding bonds or other evidences of indebtedness: *Provided*, that bonds issued under this act, to mature within five years from their date, may bear interest not to exceed eight per cent. per annum. And it shall also be lawful for the proper corporate authorities of any such county, city, town, township, school district, or other municipal corporation, to cause to be thus issued, such new bonds, and sell the same to raise money to purchase or retire any or all of such outstanding bonds or other evidences of indebtedness; the proceeds of the sales of such new bonds to be expended, under the direction of the corporate authorities aforesaid, in the purchase or retiring of the outstanding bonds or other evidences of indebtedness of such county, city, town, township, school district, or other municipal corporation, and for no other purpose whatever.

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All bonds or other evidences of indebtedness, issued under the provisions of this act, shall show upon their face that they are issued under this act, and the purpose for which they are issued, and shall be of uniform design and style, throughout the State, to be prescribed by the State Auditor, whose imperative duty it shall be to devise and prepare such uniform style and draft adapted to the classes of bonds herein provided for, namely; The first class to consist of bonds, of which only the interest is payable annually; the second class to consist of those of which the interest and five per centum of the principal are to be paid annually, and the third class to consist of a graduated series, the first grade, made payable, principal and interest, at the end of one year from the date of issue; the second, at the end of two years, and thus to the end of the series, the class to be issued being at the option of the legal voters expressed as herein provided. In any case, the new bonds, or other evidences of indebtedness, authorized to be issued by this act, shall not be for a greater sum in the aggregate, than the principal and accrued or earned interest unpaid of such outstanding bonds or other evidences of indebtedness. And when such new bonds, or other evidences of indebtedness, shall have been issued, in order to be placed on the market and sold to obtain proceeds with which to retire outstanding bonds, or other evidences of indebtedness, it shall be the duty of the State Auditor, on the request of the corporate authorities issuing them, and at the expense of the corporation in whose behalf the issue is thus made to negotiate the same, at not less than par value, and on the best terms which can be obtained: *Provided*, always, that any such county, city, town, township, school district or other municipal corporation issuing bonds under the provisions of this act, may, through its corporate authorities duly authorized, negotiate, sell or dispose of said bonds, or any part thereof, at not less than their par value without the intervention of the Auditor of State: *And provided further*, That no new bonds, or other evidences of indebtedness, shall be issued under this act, unless the same shall be first authorized, as hereinafter provided, by a vote of a majority of the legal voters of such county, city, town, township, school district, or other municipal corporation, voting at some general election, or special election held for that purpose.

§ 2. [VALUATION OF TAXABLE PROPERTY TO BE INDORSED ON BOND.] In all cases where any county, city, town, township, school district, or other municipal corporation, shall issue any bonds or evidences of indebtedness, under this act, it shall be the duty of the county clerk of such county, or other officer to whom, or to whose office, the assessment rolls for State taxation of the property within such county, city, town, township, school district, or other municipal corporation, are or shall be returnable, within five days after the total value of the property subject to taxation therein shall be returned to him, to make out and transmit to the Auditor of Public Accounts, to be filed in his office, a certificate setting forth the total value of all taxable property, of every nature and description, within such county, city, town, township, school district, or other municipal corporation, as exhibited by such assessment. And it shall be the duty of the Auditor of Public Accounts, to place on the back of all new bonds, or other evidences of indebt-

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edness issued under the provisions of this act, a certificate setting forth an aggregate statement of the amount of valuation of the taxable property of the municipal corporation issuing such new bonds, or other evidences of indebtedness; said certificate specifically distinguishing the value of real estate and personal property, and being based on the return provided for, in this section, or, if there should be no such return made by the county clerk to the State Auditor, then based on an affidavit made by the officials of the corporation issuing the bonds.

§ 3. [ELECTION—NOTICE.] It shall be lawful for the corporate authorities of any such municipal corporation, or officers authorized by law to call elections therein, on the petition of ten legal voters, resident therein, to submit to the voters thereof, at any general or special election, the question of issuing bonds under this act, by posting a notice in ten of the most public places therein, and by publishing the same in the nearest newspaper, twenty days before said election; which notice shall state the number and amount of bonds proposed to be issued; the kind or class thereof as specified in the first section of the act of 1865 as hereby amended, and as also amended by the said act of 1877; the amount of each; the rate of interest, under the limitation of this amendatory act; when and where payable; for what purpose issued, and the time and place when and where said election will be held. And upon like petition and notice it shall be lawful for such corporate authorities, or officers, to submit the question of issuing bonds under this act, at a special election, which shall be held and conducted in like manner as other elections therein. The ballots shall read, "For issuing the bonds," or, "Against issuing the bonds." If a majority of the votes cast be for issuing the bonds, the same shall be issued in conformity to the specifications of said notice. Nothing contained in this act, or in the acts to which this is an amendment, shall be held to repeal, or in anywise affect the power of the city of Chicago, to issue new bonds of said city conferred by an act of the General Assembly, approved February 13, 1865, amending the charter of said city, nor to, in anywise effect any other law which authorizes municipal corporations to issue bonds, or other evidences of indebtedness, and which does not provide for the registration thereof.

§ 4. [REGISTRATION.] Upon the surrender of any bond, or other evidence of indebtedness, under this act, the same shall be endorsed canceled, and shall from time to time, be destroyed, under the direction of the authority issuing the same. Upon the issuing of any new bond, or evidence of indebtedness, the clerk, or other officer having custody of the records of the fiscal matters of such county, city, town, township, school district or other municipal corporation, as the case may be, shall make registration thereof, in a book to be kept in his office for that purpose, showing the date, amount, number, class, date of maturity, rate of interest and place of payment of such new bond, or other evidence of indebtedness, and the description of the bond or evidence of indebtedness, for which, or for the purchasing or retiring of which, the same was given, as nearly as practicable. On presentation of any such new bond or evidence of indebtedness, issued under this act, at the office of the Auditor of Public Accounts, for registra-

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tion, the said Auditor shall cause the same to be registered in his office, in a book to be kept for that purpose; such registration shall show the date, amount, number, class, date of maturity, rate of interest, time when such interest is payable, and place of payment of the principal and interest of such bond or other evidence of indebtedness, under what act, by what authority, for what purpose and by what county, city, town, township, school district, or other municipal corporation issued, and the name of the person, or persons, presenting the same for registration, and for such registration, the Auditor shall be entitled to a fee of twenty-five cents, and the Auditor shall, under his seal of office, certify upon such bond the fact of such registration; for which the Auditor shall be entitled to a fee of twenty-five cents, such fees to be paid by the person or persons, desiring such registration and certificate. No bonds issued under this act shall be entitled to registration in the office of the State Auditor, until a sworn certificate shall have been filed with him, showing that all the requirements of this act, have been fully complied with, in their issue. In the case of county bonds, such affidavits shall be made by the chairman of the county board. In case of township bonds, by the supervisor of such township. In case of city bonds, by the mayor of such city; in case of town or village bonds, by the chairman of the town or village board; and in case of school district bonds by each of the directors of such school district. Said certificate shall set forth the date of the election, at which the people authorized the issuance of the bonds, and shall state the class, date, number, amount, rate of interest and date of maturity of the bonds, the aggregate equalized value of real property, and the aggregate equalized value of personal property assessed in such locality, for the previous year, together with any other information in relation thereto, which may be demanded by the Auditor of Public Accounts.

§ 5. [AUDITOR TO CERTIFY RATE REQUIRED.] When the bonds, or other evidences of indebtedness, of any county, city, town, township, school district or other municipal corporation, shall be so registered, the Auditor of Public Accounts shall annually ascertain the amount of principal and interest due and accrued, and to accrue, for the current year, on all such bonds and evidences of indebtedness, so registered in his office, and shall upon the basis of the certificate of the valuation of property to be transmitted to him, as aforesaid, or, in case no such certificate shall be transmitted to him or filed in his office, then upon the basis of the total valuation of the property in such county, city, town, township, school district or other municipal corporation, for the year next preceding, estimate and determine the rate per centum, upon the valuation of such property, requisite to meet and satisfy the said interest, or interest and principal, as the case may be, together with the ordinary cost to the State, of the collection and disbursement of the same, to be estimated by the Auditor and State Treasurer, and shall make and transmit to the county clerk of such county, or of the county in which such city, town, township, school district, or other municipal corporation is situated, or to the officer or authority whose duty it is, or may be, to prepare the estimates and books for the collection of State taxes in such county, city town, township,

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school district or other municipal corporation, a certificate setting forth such estimated requisite per centum for such purposes, to be filed in his office; and the said per centum shall thereupon be deemed added to, and a part of the per centum which is or may be levied, or provided by law, for the purposes of State revenue, and shall be so treated by such clerk, officer or authority in making such estimates and books for the collection of State taxes; and the said taxes shall be collected with the State taxes, and all laws relating to the State revenue shall apply thereto, except as herein otherwise provided: *Provided*, That it shall be lawful for the county collector at any time before settlement with the State Treasurer to pay from such taxes, any coupons that are due for interest that may be presented for payment, and to pay from any surplus, not required for interest purposes, the principal of any such bond that may be presented for payment, whether due or not, and in settlement with the State Treasurer the county collector shall be credited with such paid coupons and bonds the same as money.

§ 6. [STATE CUSTODIAN—COLLECTION—PAYMENT.] The State shall be deemed the custodian only of the tax so collected, and shall not be deemed, in any manner, liable on account of such bonds, or other evidences of indebtedness; but the tax and funds so collected shall be deemed pledged and appropriated to the payment of the principal and interest of the registered bonds, and evidences of indebtedness, to satisfy which, the same is hereinbefore provided to be collected, as aforesaid, and such new bonds and evidences of indebtedness, issued under the authority hereof, shall be deemed secured and provided for, in virtue and faith hereof, until fully satisfied. The State shall, annually collect and apply the said fund to the satisfaction of the interest, or interest and portion of the principal, as the case may be, of such registered bonds, or evidences of indebtedness, of any such county, city, town, township, school district or other municipal corporation, to the extent the same is herein contemplated to be derived from such tax, in the same manner as the interest on the bonds of the State is, or may be collected, or paid, and in like moneys as shall be receivable in payment of State taxes; and moneys so paid upon the principal of any such bonds, or evidences of indebtedness, shall be endorsed thereon, and due receipts therefor shall be taken and filed in the office of the Auditor of Public Accounts, or State Treasurer, and interest coupons, or bonds or other evidences of indebtedness, so paid, shall be returned to one of said officers, and shall be cancelled and returned to the corporate authorities of the municipality which issued the same, in the manner now provided by law.

§ 7. [HOW MONEY DISBURSED.] The state may, out of such fund, first retain or satisfy the ordinary cost to the state, of the collection and disbursement thereof; and in case of the non-presentment of any such bond, or evidence of indebtedness, or interest coupon of any such county, city, town, township, school district, or other municipal corporation, for payment, at the times and when and where the interest on the State debt is, or may be paid, then, on the beginning of the next year, the moneys by reason thereof undisbursed, together with any surplus for any cause remaining, shall be carried to the fund of such county, city, town, township, school district or other municipal corpo-

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ration of the current or ensuing year, and be considered by the Auditor in making his next estimate for taxation therein for such year under this act, and shall be applied accordingly. All laws relating to the payment of interest on the State debt, or the cancellation of the evidences thereof, not inconsistent with this act, shall apply to the receipt, custody and disbursement of the taxes and funds provided by this act.

§ 8. [When registered bonds mature and are not paid.] Upon the maturity of such registered bond, or other evidence of indebtedness, and the non-payment thereof by the county, city, town, township, school district, or other municipal corporation issuing the same, the holder thereof may cause the same to be registered in the office of the Auditor, as a matured or unsatisfied bond, or evidence of indebtedness, and thereupon, for the purpose of providing for the payment of the principal thereof, at the rate of five per centum of such principal, annually, and of the interest thereon in arrear, and for the current year to accrue, together with the cost to the State of the collection and disbursement thereof, as aforesaid; the same proceedings in all respects, shall be had as is hereinbefore provided, for the payment of the interest on such bonds and evidences of indebtedness, by the collection of an annual tax sufficient for the purposes in the section contemplated; and the same shall be collected and applied, as aforesaid, to such purpose, from year to year, until the full satisfaction thereof, when such bonds or evidences of indebtedness shall be canceled and returned, as hereinbefore provided.

§ 9. [Entry of payment.] Upon the payment of any such registered bond, or evidence of indebtedness, and presentation thereof to the Auditor, he shall cause due entry thereof to be made in his office.

§ 10. [Fees—collector's bond.] There shall be allowed to the officers collecting and paying over the taxes authorized to be collected under the provisions of this act, the same fees, or compensation, as is or may be allowed by law for collecting and paying over State taxes, and where such tax is levied, the bonds of the collectors thereof, shall be increased in proportion to the estimated amount of such tax to be collected.

Approved June 4th, 1879.

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BONDS—BY WHOM EXECUTED.

SECTION 11. BONDS—BY WHOM EXECUTED.

AN ACT *to amend an act entitled "An act to amend an act entitled "An act relating to county and city debts, and to provide for the payment thereof by taxation in such counties and cities," approved February* 13, 1865, *and to amend the title thereof, approved and in force April* 27, 1877. *Approved May* 28, 1879. *In force July* 1, 1879.

Be it enacted by the People of the State of Illinois, represented in the General Assembly, That an act entitled "An act to amend an act entitled "An act relating to county and city debts, and to provide for the payment thereof, by taxation in such counties and cities, approved February 13, 1865, and to amend the title thereof," approved and in force April 27, 1877, be and the same is amended by adding the following section after section 10 in said act.

§ 11. [BONDS—BY WHOM EXECUTED.] All bonds issued under this act shall be executed on behalf of the municipalities issuing the same by the following named officers, viz: On behalf of counties under the township organization laws of this State, by the chairman of the board of supervisors and the clerk of the county court attesting the same with his signature and official seal. On behalf of counties not under township organization by the acting chairman of the board of county commissioners together with the clerk of the county court attesting the same with his signature and official seal. On behalf of cities, by the mayor and city clerk together with the seal of the city on behalf of towns organized under the township organization law of this State, by the supervisor or supervisors of such town, (as the case may be) and the town clerk of such towns. On behalf of all other municipalties herein before mentioned by the president, chairman, or chief executive officer thereof together with the clerk or secretary thereof. *Provided*, that nothing herein contained shall be so construed as to authorize the officers herein mentioned to issue bonds under this act except upon a majority vote of the voters as herein before provided.

APPROVED May 28th, 1879.

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RECEIVERS AND ASSIGNEES.

§ 1. Receiver to make detailed statement, etc.
§ 2. Statements once in four months.
§ 3 Removal of receivers.

AN ACT *relating to receivers and assignees of banks, banking institutions, banking firms and savings banks. Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. [RECEIVER TO MAKE DETAILED STATEMENT, ETC.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That it shall be the duty of the receiver or assignee of any savings or other banks or any private banker or firm doing a banking business immediately upon a request made to him thereof, in writing, signed by any ten depositors of such bank, of which he shall be the receiver or assignee, to make and file in the court in which said cause is pending a detailed statement, (which statement may be published if the court shall deem proper), showing all the assets of such bank, of whatever kind or nature and of all promises to pay, of whatever kind or nature, showing: 1st. When such promises were made or arose. 2nd. When they were or are due. 3rd. The names of the persons making such promises. 4th. The thing to be paid, and if money, the amount thereof, the rate of interest thereof, if any and the amount of interest due and unpaid thereon, if any. 5th. Whether the payment of such debt has been extended, and if so, from when and how many times. 6th. A particular description of whatever collateral security or guarantee thereof such bank may have, and if it be that of a person, the name of such person. Which detailed statement shall be open to inspection by all parties in interest, and also a statement taken from the books of such bank, of the number and amount of the shares of the capital stock of such bank, the names and addresses if known of all of the stockholders, the number of shares held by each, when acquired and from whom.

§ 2. [STATEMENTS ONCE IN FOUR MONTHS.] Such receiver or assignee shall be required to make and file such statements not oftener than once in four months.

§ 3. [MAY BE REMOVED.] It shall be the duty of any court that has appointed any such receiver, to remove immediately such receiver upon his failure to comply with this act; and any assignee failing to comply with this act shall be removed upon the order of any court of competent jurisdiction.

APPROVED May 31st, 1879.

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RECORDERS.

DEPUTY RECORDER.

§ 1. Deputy recorder—Emergency.

AN ACT *to amend section seven* (7) *of an act entitled "An Act to revise the law in relation to Recorders," approved March* 6, 1874. *Approved and in force March* 20, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section seven of an act entitled "An act to revise the law in relation to Recorders," approved March 6th, 1874, be amended so as to read as follows:

§ 7. [DEPUTY RECORDERS—POWERS—EMERGENCY.] Deputy recorders duly appointed and qualified may perform any and all duties of the recorder in the name of the recorder and the acts of such deputies shall be held to be the acts of the recorder, and in case of the death of the recorder or his deposition from office the chief deputy shall thereupon become the acting recorder until such vacancy shall be filled according to law, and he shall file a like bond and be vested with the same powers and subject to the same responsibilities and entitled to the same compensation as in case of recorder.

WHEREAS, An emergency exists this law shall therefore be in force on and after its passage.

APPROVED March 20th, 1879.,

VACANCY.

§ 1. Deputy recorder—Emergency.

AN ACT *to legalize the acts of Deputy Recorders. Approved and in force March* 20, 1879.

SECTION . [DEATH OF RECORDER—DEPUTY—EMERGENCY.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all cases where a recorder of deeds has heretofore died, or his office for any cause has become vacant, and the duties of such office have been performed by the deputy recorder, the acts and proceedings of such deputy recorder, performed in and about the business of said office, or which may be performed until a recorder shall be elected as provided by law, are hereby declared legal and

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of the same force and effect as if said acts of such deputy had been performed before such vacancy occurred.

WHEREAS, An emergency exists, therefore this law shall be in force on and after its passage.

APPROVED March 20th, 1879.

RECORDS.

UNITED STATES LAND OFFICE.

§ 1. Custodian for records. | § 2. Emergency.

AN ACT *to designate a custodian for the transcripts, documents and records pertaining to the United States Land Office, formerly located at Springfield, Illinois. Approved and in force May* 21, 1879.

SECTION 1. [AUDITOR CUSTODIAN.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Auditor of Public Accounts be and he is hereby designated as the custodian of all transcripts, documents and records pertaining to the United States Land Office, formerly located at Springfield, Illinois, which are to be transferred to the State of Illinois, by the Secretary of the Interior, in pursuance of act of Congress, approved July 31st, 1876.

§ 2. [EMERGENCY.] WHEREAS, An emergency exists; therefore, this act shall be in force from and after its passage.

APPROVED May 21st, 1879.

REPLEVIN.

BOND.

§ 10. Replevin bond. | § 25. Suit on bond.

AN ACT *to amend sections ten and twenty-five of an act entitled, "An act to revise the law in relation to replevin" approved February 9th* 1874. *In force July 1st,* 1874. *Approved May 28th,* 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That sections ten and twenty-five

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of an act entitled, "An act to revise the law in relation to replevin," approved February 9th, 1874, in force July 1st, 1874, be, and the same is, hereby amended so as to read as follows:

§ 10. [REPLEVIN BOND.] Before the execution of any writ of replevin, the plaintiff or some one else on his behalf, shall give to the Sheriff, Constable or other officer, bond with sufficient security in double the value of the property about to be replevied. Conditioned that he will prosecute such suit to effect, and without delay, and make return of the property, if return of the property shall be awarded, and save and keep harmless such Sheriff, Constable or other officer, as the case may be, in replevying such property, and further conditioned for the payment of all costs, and damages occasioned by wrongfully suing out said writ of replevin, and if the sureties on such bond at any time before trial, shall become insolvent, a rule *nisi* shall be entered, requiring good and sufficient replevin bond to be filed, and if the same shall not be so filed within the time fixed by the court, the suit shall be dismissed.

§ 25. [SUIT ON BOND.] If at any time the conditions of the bond required by section ten of this act shall be broken, the Sheriff, Constable, or other officer or plaintiff in the name of the Sheriff, to his own use, as the case may be, may sue and maintain an action on such bond for the recovery of all such damages and costs, as may have been sustained in consequence of the breach of such condition.

APPROVED May 28th, 1879.

FORFEITURE.

§ 230. Suit for tax on forfeited property.

AN ACT *to amend section* 230 *of an act entitled "An Act for the assessment of property and for the levy and collection of taxes," approved March* 30, 1872, *and in force July* 1 1872. *Approved May* 29, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section 230 of an act entitled "An act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, be and is hereby amended to read as follows:

§ 230. [SUIT FOR TAX ON FORFEITED PROPERTY.] The county board may at any time institute suit in an action of debt in the name of the People of the State of Illinois, in any court of competent jurisdiction for the whole amount due on forfeited property; or any county,

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city, town, school district, or other municipal corporation, to which any such tax may be due, may at any time institute suit in an action of debt, in its own name, before any court of competent jurisdiction, for the amount of such tax due any such corporation on forfeited property, and prosecute the same to final judgment; and on the sale of any property following such judgment, on execution or otherwise, any such county, city, town school district, or other municipal corporation interested in the collection of said tax may become the purchaser at such sale of either real or personal property, and if the property so sold is not redeemed (in the case of real estate) may acquire, hold, sell and dispose of the title thereto, the same as individuals may do, under the laws of this State; and in any such suit or trial for forfeited taxes, the fact that real estate is assessed to a person, firm or incorporation, shall be *prima facie* evidence that such person, firm or incorporation was the owner thereof, and liable for the taxes for the year or years for which the assessment was made; and such fact may be proved by the introduction in evidence of the proper assessment book or roll, or other competent proof.

APPROVED May 29th, 1879.

REVENUE.

LISTING PROPERTY—ASSESSMENT BOOK—REVIEW OF ASSESSMENT, ETC.

§ 58. Real property—listed May 1st.
§ 66. How books to be made—separate books for cities, etc.
§ 60. Books ready 1st May.
§ 70. Assessors to call for books.
§ 76. How real estate assessed.
§ 86. Review of assessment—time—proceedings.
§ 89 Assessor to add up columns, etc.
§ 90. Return.
§ 92. Books delivered to town clerk—review of assessment.
§ 98. Clerk's report to auditor.
§ 123. Collector's books.
§ 125. County collector to deposit books.
§ 126. Rates—how extended.
§ 128. State and county taxes.
§ 132. Collector's warrants.
§ 161. Collection after return of county collector.
§ 163. Entry of payment—receipt—evidence—name of owner.
§ 170. Form of return as to Personal tax.
§ 171. Credits, etc.
§ 172. Form of return as to real estate.
§ 180. Form of receipt.
§ 181. Powers to collect.
§ 188. Delinquent list—form.
§ 189. Tax may be paid before sale.
§ 190. Payments reported—list corrected.
§ 196. Proceedings in case of appeal.
§ 194. Process of sale.
§ 200. Sale and redemption record.
§ 211. When purchaser suffers land to be sold again.
§ 2. Repeal.
§ 3. Exception.

AN ACT *to amend sections, fifty-eight* (58), *sixty-six*, (66) *as heretofore amended; sixty-nine* (69), *seventy* (70), *seventy-six* (76), *eighty-six* (86), *eighty-nine* (89), *ninety* (90), *ninety-two* (92), *as heretofore amended;*

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ninety-eight (98), *one hundred and twenty-three* (123), *one hundred and twenty-five* (125), *one hundred and twenty-six* (126), *one hundred and twenty-eight* (128), *one hundred and thirty-two*, (132), *one hundred and sixty-one* (161), *one hundred and sixty-three* (163), *one hundred and seventy* (170), *one hundred and seventy-one* (171), *one hundred and seventy-two* (172), *one hundred and eighty* (180), *one hundred and eighty-one* (181), *as heretofore amended; one hundred and eighty-eight* (188), *one hundred and eighty-nine* (189), *one hundred and ninety* (190), *one hundred and ninety-three* (193), *as heretofore amended; one hundred and ninety-four* (194), *two hundred* (200), *and two hundred and eleven* (211), *of an act entitled "An act for the assessment of property and for the levy and collection of taxes," approved March* 30, 1872, *in force July* 1, 1872; *and to repeal sections one hundred and twenty-four* (124), *one hundred and ninety-five* (195), *one hundred and ninety-eight* (198), *and two hundred and twenty-six* (226), *of said act. Approved May* 29, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That sections fifty-eight (58), sixty-six (66), as heretofore amended; sixty-nine (69), seventy (70), seventy-six (76), eighty-six (86), eighty-nine (89), ninety (90), ninety-two (92), as heretofore amended; nine-eight (98), one hundred and twenty-three (123), one hundred and twenty-five (125), one hundred and twenty six (126), one hundred and twenty-eight (128), one hundred and thirty-two, (132), one hundred and sixty-one (161), one hundred and sixty-three (163), one hundred and seventy (170), one hundred and seventy-one (171), one hundred and seventy-two (172), one hundred and eighty (180), one hundred and eighty-one (181), as heretofore amended; one hundred and eighty-eight (188), one hundred and eighty-nine (189), one hundred and ninety (190), one hundred and ninety-three (193), as heretofore amended; one hundred and ninety-four (194), two hundred (200), and two hundred and eleven (211), of an act entitled "An act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872, be and the same are hereby amended to read as follows:

§ 58. [REAL PROPERTY—LISTED MAY 1ST.] All real property in this State, subject to taxation under this act, including real estate becoming taxable for the first time, shall be listed to the owners thereof, by such owners, their agents, county clerks or assessors, or the county board, and assessed for the year one thousand eight hundred and eighty, and quadrennially thereafter, with reference to the amount owned on the first day of May, in the year in which the same is assessed, including all property purchased on that day, which assessment, as modified or equalized as provided by law, shall be the assessment upon which taxes shall be levied and extended during the quadrennial period for which the same is made: *Provided*, that no assessment of real property shall be considered as illegal by reason of the same not being listed or assessed in the name of the owner or owners thereof.

§ 66. [HOW BOOKS TO BE MADE—SEPARATE BOOKS FOR CITIES, ETC.] The county clerk shall make up for the several towns or districts in

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his county, in books to be provided for that purpose, the lists of lands and lots to be assessed for taxes. When a whole section, half section, quarter section or half quarter section belongs to one owner, it shall, at the request of the owner, or his agent, be listed as one tract; and when all lots in the same block belong to one owner, they shall, at the request of the owner, or his agent, be listed as a block. When several adjoining lots in the same block belong to the same owner, they shall, at the request of the owner, or his agent, be included in one description: *Provided*, that when any tract or parcel of real estate is situated in more than one town, or in more than one school, road or other district, the portion thereof in each town or district shall be listed separately. Said clerk shall enter in the proper column, opposite the respective tracts or lots, the names of the owners thereof so far as he shall be able to ascertain the same. Said book shall contain columns in which may be shown the name of the owner or owners of the tracts or lots of land to be returned by the assessor, the number of acres or lots improved and the value thereof; the number of acres or lots not improved and the value thereof; the value of subsequent improvements, made, and a column for loss in value of real estate occasioned by the destruction of improvements, and a column for total value. Separate columns shall also be ruled in said book to show the valuation as corrected and equalized by the town board, in counties under township organization, by the county board and by the State board of equalization. Said books shall also contain proper columns for the extension of taxes, the first for State, county, town, and such other taxes as are computed by a uniform rate upon all the taxable property throughout the township or district, in the respective tax books, to be denominated "consolidated tax," which rate shall be combined, and such taxes computed and set down in one item, opposite each assessment. All other taxes shall be computed and set down in separate columns. Said books shall contain such columns as may be necessary for the extension of other taxes not computed by a uniform rate upon all the property in such books, and also a column for total tax and a column to show the amount paid to the town or district collector, and one to show the amount paid the county collector, and such space as may be necessary to show the date of payment and for whom paid. Each book shall be paged in consecutive numbers, beginning with number one in each book, and each line on each double page of such book shall be numbered consecutively, beginning with number one on each double page of each book. In counties not under township organization, such books shall be made up by congressional townships, but parts of townships, or fractional townships less than full townships may be added to full townships at the discretion of the county board. In counties under township organization said books shall be made to correspond with the organized townships. Separate books may be made for the collection of all taxes within the corporate limits of cities, towns and villages, and for the collection of taxes on personal estate. This section shall not be construed to interfere with the tax book provided for the use of county collectors for collecting all taxes charged against railroad property and telegraph companies, and the county clerk shall furnish to the assessors of the several towns and districts in his county, when necessary, a book or books in

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which to note and assess the value of improvements made or destroyed, in years subsequent to the general assessment of real estate. The county clerk shall make a tabular statement in each of said books, of the rate per cent. of addition or deduction, as made by the county and State boards of equalization, and the rate of extension of each kind of tax made upon such books. Said books shall be ruled for the extension of four years taxes.

§ 69. [BOOKS READY BY 1ST MAY.] The county clerk shall cause such assessment books, and all blanks necessary to be used by the assessor in the assessment of real or personal property, to be in readiness for delivery to the assessor on or before the first day of May in the year for which such assessment is made.

§ 70. [ASSESSORS TO CALL FOR BOOKS.] It shall be the duty of the county, town or district assessor to call on the county clerk on or before the first day of May, in the year 1880 and on the first day of May, quadrennially thereafter, for the assessors books and blanks for the assessment of real estate, and on the first day of May, annually, for the books for the assessment of personal property and improvements made or destroyed, and the failure of any assessor to do so shall be deemed sufficient cause to declare his office vacant and for the appointment of a successor.

§ 76. [HOW REAL ESTATE ASSESSED.] Assessors shall, between the first day of May and the first day of July, in the year 1880 and between the first day of May and the first day of July every fourth year thereafter, actually view and determine, as nearly as practicable, the fair cash value of each tract or lot of land listed for taxation, and set down in proper columns in the book furnished him the value of each tract or lot improved, the value of each tract or lot not improved, and the total value. Said assessor, shall between the first day of May and the first day of July, in each year, after the regular assessment, of real estate report to the county clerk the value of improvements on any tract of land or lot which have been made or destroyed since the preceding general assessment of real estate, and not already reported, describing the premises upon which such improvements are or have been located as the same are described in the general real estate assessment roll, in a book to be provided for that purpose and it shall be the duty of the county clerk, upon the receipt of such assessment, to add to or deduct from the assessed values of the tracts of lands or lots upon which such improvements are or have been located, the values of the same as equalized by the town board, and the general assessment of real estate as modified by such additions or deductions, shall be the assessment of real estate for such year.

§ 86. [REVIEW OF ASSESSMENT—TIME—PROCEEDINGS.] In counties under township organization, the assessor, clerk and supervisor of the town shall meet on the fourth Monday of June, in the year eighteen hundred and eighty, and every fourth year thereafter, for the purpose of reviewing the assessments of real and personal property in such town. And on the fourth Monday of June, in every year, for the purpose of reviewing and correcting the assessment of personal property, and of improvements upon real property, made or destroyed. And on

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the application of any person considering himself aggrieved, or who shall complain that the property of another is assessed too low, they shall review the assessment, and correct the same as shall appear to them just. No complaint that another is assessed too low shall be acted upon until the person so assessed, or his agent, shall be notified of such complaint, if a resident of the county. Any two of said officers meeting, are authorized to act, and they may adjourn from day to day till they shall have finished the hearing of all cases presented on said day. Property assessed after the fourth Monday of June shall be subject to complaint to the county board, subject to the rules specified in this section.

§ 89. [ASSESSOR TO ADD UP COLUMNS, ETC.] The assessor shall add up and note the aggregate of each column in his assessment books of real and personal property and improvements, and shall also add in each book, under proper headings, a tabular statement, showing the footings of the several columns upon each page; and shall add up and set down, under the respective headings, the totals of the several columns. When an assessor returns several assessment books of real or personal property, he shall, in addition to the tabular statements herein required, return a statement in like form showing the totals of all the books.

§ 90. [RETURN.] The assessor shall, on or before the first day of July of the year for which the assessment is made, return his assessment books to the county clerk, verified by his affidavit, substantially in the following form:

STATE OF ILLINOIS } ss.
. County. }

I, ... , assessor of , do solemnly swear that the book to which this is attached contains a correct and full list of all the real property (or "personal property" or improvements, as the case may be,) subject to taxation in, ... , so far as I have been able to ascertain the same; and that the assessed value set down in the proper column opposite the several kinds and descriptions of property is, in each case, the fair cash value of such property, to the best of my knowledge and belief, (where the assessment has been corrected by a town board, "except as corrected by the town board,") and that the footings of the several columns in said book, and tabular statement returned herewith, is correct, as I verily believe.

§ 92. [BOOKS DELIVERED TO TOWN CLERK—REVIEW OF ASSESSMENT.] The several assessment and collectors books shall be filed in the office of the county clerk. *Provided*, that the county clerk shall, in the month of April, in any year, deliver to the town clerks of the several towns in the county, if required so to do, an abstract of the assessment of real estate for such town for the preceding year, showing in whose name assessed, the description of the tract or lot, and the total assessed value; and shall, also in the said month of April, in each year, deliver to said town clerks of the several towns in the county, the assessment books of the personal property of their respective towns, to-

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gether with the assessment of improvements made or destroyed of the previous year; such books to be returned by town clerks to the county clerks office before the first of July, of the same year.

On the application of any person considering himself aggrieved, or who shall complain that the property of another is assessed too low, the assessor, clerk and supervisor of such towns shall, at a meeting to be held on the second Monday of June in each year, excepting the years for the general assessment of real estate, review the assessment of any real estate from such abstract, and correct the same as shall appear to be just. No complaint that the real estate of another is assessed too low, shall be acted upon until the owner of such real estate, or his agent, if a resident in such county, shall be notified of such complaint. All taxes thereafter extended upon such real estate, prior to the next general assessment of real estate, shall be extended upon such equalized assessment, as modified by the rates of addition or deduction determined by the State and county boards of equalization; and the said assessor, clerk and supervisor shall report in writing, on or before the first day of July next thereafter, their action at such meeting to the county clerk of such county, who shall make the necessary changes in the general real estate assessment books.

§ 98. [CLERK'S REPORT TO AUDITOR.] On or before the tenth day of July, annually, it shall be the duty of county clerks, upon the receipt of the assessment books, to make out and transmit to the Auditor an abstract of the assessment of property, for such year, showing the number, value and average value of each kind, of enumerated property as shown by the assessment; the value of each item of unenumerated property, and total value of personal property, the length of main track, the length of side track, and the numbers, values and average values of each separate item of railroad property; the number of acres, value and average value of improved lands; the number of acres, value and average value of unimproved lands; the total number of acres, total value and average value per acre, of all lands; the number, value and average value of improved town and city lots; the number, value and average value of unimproved town and city lots; the total number of lots, total value and average value of all lots, and the total value of all property. Said abstracts shall be made out on blanks, which it shall be the duty of the Auditor to furnish the county clerks for that purpose. The values to be given in said abstract shall be the assessed valuations, except in the case of railroad property, denominated, "railroad track" and "rolling stock," the value of which shall be given as returned by the railroad company to the county clerk. The county clerk, shall, at the same time and accompanying said abstract, furnish a detailed statement of the railroad property denominated "railroad track" and "rolling stock," reported by each road located in or through their counties. If there are any roads so located that have not made their reports as required by this act, the clerk shall report the fact, giving the name of such railroad.

§ 123. [COLLECTOR'S BOOKS.] The county clerk shall, annually, make out for the use of collectors, in books to be furnished by the county, lists of taxable personal property, as assessed and equalized, and may, when authorized by resolution of the county board, make books for

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the extension of taxes on real estate for each year, excepting the year in which the general assessment of real estate is made.

§ 125. [COUNTY COLLECTOR TO DEPOSIT BOOKS.] The county collector shall annually, immediately after the sale of delinquent real estate, deposit in the office of the county clerk the general real estate assessment and collection books, to be used for the extension of taxes under the provisions of this act.

§ 126. [RATES—HOW EXTENDED.] Said clerk shall extend upon the assessor's books the rates of addition or deduction ordered by the county board and State Board of Equalization, in the several columns provided for that purpose. The rates per cent. ordered by the State Board of Equalization shall be extended on the assessed valuation of property, as corrected and equalized by the county board. In all cases of extension of valuations, where the equalized valuation shall happen to be fractional, the clerk shall reject all such fractions as may fall below fifty cents; fractions of fifty cents or more shall be extended as one dollar.

§ 128. [STATE AND COUNTY TAXES.] All taxes levied by proper authorities shall be extended by the respective county clerks upon the property in their counties, upon the valuation produced by the equalization and assessment of property by the State Board of Equalization. All taxes of a uniform rate throughout a town under township organization, or throughout a district in counties not under township organization, shall be extended in one column. District, village, city and other taxes not of such uniform rate, shall be extended in separate columns prepared for that purpose. In the extension of taxes, the clerk shall reject all fractions falling below half a cent; fractions of half a cent or more shall be extended as one cent.

§ 132. [COLLECTOR'S WARRANT.] To each assessment or collectors book, a warrant, under the hand and official seal of the county clerk, shall be annexed each year, commanding the collector to collect from the several persons named in said book, the several sums entered in the column of totals opposite their respective names. The warrant shall direct the collector to pay over the several kinds of taxes that may be collected by him, to the respective officers entitled thereto, less the compensation for collection allowed him by law.

§ 161. [COLLECTIONS AFTER RETURN OF COUNTY COLLECTOR.] The power and duty to levy and collect any tax due and unpaid, shall continue in and devolve upon the county collector and his successors in office, after his return and final settlement until the tax is paid; and the warrant attached to the collector's book, shall continue in force and confer authority upon the collector to whom the same was issued, and upon his successors in office, to collect any tax due and uncollected thereon, although such books may have been returned, or the tax carried forward into any other book. This section shall apply to all collectors books and tax warrants heretofore issued, upon which taxes may be due and unpaid, as well as those hereafter issued.

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§ 163. [ENTRY OF PAYMENT—RECEIPT—EVIDENCE—NAME, ETC., OF OWNER.] Whenever any person shall pay the taxes charged on any property, the collector shall enter such payment in his book, and give a receipt therefor, specifying for whom paid, the amount paid, what year paid for, the property and equalized value thereof on which the same was paid, according to its description in the collectors book, in whole or in part of such description, as the case may be, and the several rates of extension of taxes, and such entry and receipt shall bear the genuine signature of the collector or his deputy receiving such payment; and whenever it shall appear that any receipt for the payment of taxes shall be lost or destroyed, the entry so made may be read in evidence in lieu thereof. The collector shall enter the name of the owner or of the person paying tax, opposite each tract or lot of land, when he collects the tax thereon, and the postoffice address of the person paying said tax.

§ 170. [FORM OF RETURN AS TO PERSONAL TAX.] If any town or district collector shall be unable to collect any tax on personal property, charged in the tax book, by reason of the removal or insolvency of the person to whom said tax is charged, or on account of any error in the tax book, he shall, at the time of returning his book to the county collector, note, in writing, opposite the name of each person charged with such tax, the cause of failure to collect the same, and shall make oath that the cause of delinquency or error noted is true and correct, and that such sums remain due and unpaid, and that he has used due diligence to collect the same, which affidavit shall be entered upon said collectors book, and be signed by the town or district collector.

§ 171. [CREDITS, ETC.] Upon the filing of said book, the county collector shall allow the town or district collector credit for the amount of taxes therein stated to be unpaid, and shall credit the same to the several funds for which said tax was charged. When the county collector makes settlement with the county board, such statements shall be sufficient voucher to entitle him to credit for the amount therein stated, less such amount thereof if any, that may have been collected by him. In no case shall any town or district collector, or county collector, be entitled to abatements for personal property tax until the statement and affidavit are filed.

§ 172. [FORM OF RETURN AS TO REAL ESTATE.] Each town or district collector, at the time of returning his tax book to the county collector, shall make affidavit, to be entered upon such book and subscribed by the collector, that the taxes charged against each tract or lot, or assessment of personal property remain due and unpaid at the date of making such affidavit in each case where there does not appear in the proper column the amount of such taxes as having been paid to such collector, and the date of payment and the name of any person as having paid the same; which affidavit shall be *prima facie* evidence of the facts therein stated.

§ 180. [FORM OF RECEIPT.] On the application of any person to pay any tax or special assessment upon any real property, it shall be the duty of the county collector to make out to such person a receipt,

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in which shall be noted all taxes and assessments upon such property returned to such collector, and not previously paid. Said receipt shall be provided with columns for the State equalized value, and for the "consolidated" and other taxes, and shall show the several rates of extension of taxes.

§ 181. [POWERS TO COLLECT.] County collectors shall have the same powers, and may proceed in the same manner, for the collection of any tax on real or personal property, as town or district collectors; and if in any town or collection district the office of town or district collector is or shall become vacant, and such vacancy shall not be filled on or before the tenth day of March next following such vacancy, or if in any town or collection district the books for the collection of taxes, for any reason, have not been or shall not be, delivered to the town or district collector, on or before the tenth day of March in any year, the county clerk shall deliver all such collectors books to the county collector of such county having annexed to each of such books a warrant under the hand and official seal of the county clerk, commanding such county collector to collect from the several persons named in such books, the several sums of taxes therein charged opposite their respective names, and authorizing him in case any person named in such collectors books shall neglect or refuse to pay his personal property tax, to collect the same by distress, and sale of the goods and chattels of such person. It shall thereupon be the duty of such county collector to collect and pay over all taxes, assessments, and other charges shown in such books and to do all acts, required of him by law, in like manner as if such taxes, assessments and other charges, had been duly returned delinquent by a town or district collector. The collectors books so delivered to the county collector, by the county clerks, shall, for all purposes, in all subsequent proceedings, be used in the same manner, and have the same force and effect as if said books were delivered to the town or district collectors, and duly returned by them, as provided by law. When any injunction restraining the collection of taxes shall be dissolved after the tax books shall have been returned to the county collector, such taxes or the portion thereof, upon which such injunction shall have been dissolved, shall be paid to the county collector, who shall have the same power and shall proceed in the same manner for the collection of such taxes, as though the same or such portion thereof had never been enjoined.

§ 188. [DELINQUENT LIST—FORM.] The collector shall transcribe into a book prepared for that purpose, and known as the tax, judgment, sale, redemption, and forfeiture record, the list of delinquent lands and lots, which shall be made out in numerical order, and contain all the information necessary to be recorded, at least five days before the commencement of the term at which application for judgment is to be made; which book shall set forth the name of the owner, if known; the proper description of the land or lot, the year or years for which the tax or special assessments are due; the valuation on which the tax is extended; the amount of the consolidated and other taxes and special assessments; the costs and total amount of charges against such land or lot. Said book shall also be ruled in columns, so as to show the amount paid before the rendition of judg-

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ment; the amount of judgment, and a column for remarks; the amount paid before sale and after the rendition of said judgment, the amount of the sale, amount of interest or penalty, amount of cost, amount forfeited to the State, date of sale, acres or part sold, name of purchaser, amount of sale and penalty, taxes of succeeding years, interest and when paid, interest and cost, total amount of redemption, date of redemption, when deed executed by whom redeemed, and a column for remarks, or receipt, of redemption money.

§ 189. [TAX MAY BE PAID BEFORE SALE.] Any person owning or claiming lands or lots upon which judgment is prayed, as provided in this act, may, in person or by agent pay the taxes, special assessments, interest and costs due thereon, to the county collector of the county, in which the same are situated at any time before sale.

§ 190. [PAYMENTS REPORTED—LIST CORRECTED.] On the first day of the term at which judgment on delinquent lands and lots is prayed, it shall be the duty of the collector to report to the clerk all the lands or lots as the case may be, upon which taxes and special assessments have been paid, if any, from the filing of the list mentioned in section one hundred and eighty-eight up to that time; and the clerk shall note the fact opposite each tract upon which such payments have been made. The collector assisted by the clerk, shall compare and correct said list, and shall make and subscribe an affidavit, which shall be as nearly as may, be, in the following form:

I , collector of the county of , do solemnly swear (or affirm, as the case may be,) that the foregoing is a true and correct list of the delinquent lands and lots within the county of upon which I have been unable to collect the taxes (and special assessments, interest, and printer's fees, if any,) charged thereon, as required by law, for the year or years therein set forth; that said taxes now remain due and unpaid, as I verily believe.

Said affidavit shall be entered at the end of the list, and signed by the collector.

§ 193. [PROCEEDINGS IN CASE OF APPEAL.] If judgment is rendered by any court, at any time, against any lands or lots, for any tax or special assessment, the county collector shall, after publishing a notice for sale, in compliance with the requirements of section 182 of this chapter, proceed to execute such judgment by the sale of lots and lands against which such judgment has been rendered. *Provided, however*, that in case of an appeal from any such judgment the collector shall not sell until such appeal is disposed of.

§ 194. [PROCESS FOR SALE.] On the day advertised for sale, the county clerk, assisted by the collector shall carefully examine said list upon which judgment has been rendered, and see that all payments have been properly noted thereon, and said clerk shall make a certificate to be entered on said record, following the order of court that such record is correct, and that judgment was rendered upon the property therein mentioned for the taxes, interest and costs due thereon, which certificate shall be attested by the clerk under seal of the court and shall

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be the process on which all real property or any interest therein shall be sold for taxes, special assessments interest and costs due thereon and may be substantially in the following form:

I , clerk of the county court, in and for the county of , do hereby certify that the foregoing is a true and correct record of the delinquent real estate in said county, against which judgment and order of sale was duly entered in the county court of said county, on the day of . . . 18 . . , for the amount of the taxes, special assessments, interest and costs due severally thereon as therein set forth, and that the judgment and order of court in relation thereto fully appears on said record.

§ 200. [SALE AND REDEMPTION RECORD.] Said book shall be known and designated as the tax judgment sale, redemption and forfeiture record, and be kept in the office of the county clerk.

§ 211. [WHEN PURCHASER SUFFERS LAND TO BE SOLD AGAIN.] If any purchaser of real estate sold for taxes or special assessment shall suffer the same to be forfeited to the State, or again sold for taxes or special assessment, before the expiration of the last day of the second annual sale thereafter, such purchaser shall not be entitled to a deed for such real property until the expiration of a like term from the date of the second sale or forfeiture, during which time the land shall be subject to redemption, upon the terms and conditions prescribed in this act; but the person redeeming shall only be required to pay, for the use of such first purchaser, the amount paid by him. The second purchaser, if any, shall be entitled to the redemption money, as provided for in the preceding section. *Provided, however*, it shall not be necessary for any municipal corporation which shall bid in its own delinquent special assessments, at any sale, in default of other bidders, to protect the property from subsequent forfeitures or sales, as above required in this section.

§ 2. [REPEAL.] Sections one hundred and twenty-four (124), one hundred and ninety-five (195), one hundred and ninety-eight (198), and two hundred and twenty-six (226) of an act entitled "An act for the assessment of property, and for the levy and collection of taxes," approved March 30, 1872; in force July 1st 1872, are hereby repealed.

§ 3. [EXCEPTION.] The provisions of this act shall not apply to any proceedings already begun for the collection of taxes or special assessments.

APPROVED May 29th, 1879.

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RULES FOR VALUING PERSONAL PROPERTY.

§ 3. Personal property. | § 32. Banks and banking institutions.

AN ACT *to amend sections three* (3) *and thirty-two* (32) *of an act entitled "An Act for the assessment of property, and for the levy and collection of taxes," approved March* 30, 1872. *Approved May* 13, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section three (3) of an act entitled "An act for the assessment of property, and the levy and collection of taxes, approved March 30, 1872; in force July 1, 1872, be, and the same is, hereby so amended as to read as follows:

§ 3. [RULES FOR VALUING PERSONAL PROPERTY.] Personal property shall be valued as follows:

First, All personal property, except as herein otherwise directed, shall be valued at its fair cash value.

Second, Every credit for a sum certain, payable either in money or labor, shall be valued at a fair cash value, for the sum so payable; if for any article of property, or for labor or services of any kind, it shall be valued at the current price of such property, labor or service.

Third, Annuities and royalties shall be valued at their then present total value.

Fourth, The capital stock of all companies and associations now or hereafter created under the laws of this State, (except those required to be assessed by the local assessors, as hereinafter provided) shall be so valued by the State Board of Equalization as to ascertain and determine, respectively, the fair cash value of such capital stock, including the franchise, over and above the assessed value of the tangible property of such company or association. Said board shall adopt such rules and principles for ascertaining the fair cash value of such capital stock, as to it may seem equitable and just; and such rules and principles, when so adopted, if not inconsistent with this act, shall be as binding and of the same effect as if contained in this act, subject, however, to such change, alteration or amendment as may be found, from time to time, to be necessary by said board: *Provided*, that in all cases where the tangible property or capital stock of any company or association is assessed under this act, the shares of capital stock of any such company or association shall not be assessed or taxed in this State. This clause shall not apply to the capital stock, or shares of capital stock, of banks organized under the general banking laws of this State: *Provided, further*, that companies and associations organized for purely manufacturing purposes, or for printing, or for publishing of newspapers, or for the improving and breeding of stock, shall be assessed by the local assessors in like manner as the property of individuals is required to be assessed.

§ 2. That the thirty-second (32) section of said act is hereby so amended as to read as follows:

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§ 32. [RULES FOR LISTING AND VALUING PROPERTY OF BANKING AND OTHER CORPORATIONS.] Banking, bridge, express, ferry, gravel road, gas, insurance, mining, plank road, savings bank, stage, steamboat, street railroad, transportation, turnpike, and all other companies and associations incorporated under the laws of this State (other than banks organized under the general banking laws of this State and the corporations required to be assessed by the local assessors as hereinbefore provided) shall in addition to the other property required by this act to be listed, make out and deliver to the assessor a sworn statement of the amount of its capital stock, setting forth particularly,

First, The name and location of the company or association.

Second, The amount of capital stock authorized, and the number of shares into which such capital stock is divided.

Third, The amount of capital stock paid up.

Fourth, The market value, or if no market value, then the actual value of the shares of stock.

Fifth, The total amount of all indebtedness, except the indebtedness for current expenses, excluding from such expenses the amount paid for the purchase or improvement of property.

Sixth, The assessed valuation of all its tangible property,. such schedule shall be made in conformity to such instruction and forms as may be prescribed by the Auditor of Public Accounts. In all cases of failure or refusal of any person, officer company or association to make such return or statement, it shall be the duty of the assessor to make such return or statement from the best information which he can obtain.

APPROVED May 13th, 1879.

SCHEDULE—FORFEITED PROPERTY.

§ 23. Schedule.
§ 129. Forfeited property—back taxes.
§ 177. Delinquent defined.
§ 224. Effect of deed as evidence.
§ 227. Redemption or purchase of forfeited property.

AN ACT *to amend sections*, 24, 129, 177, *as amended;* 224 *and* 227, *of an act entitled "An act for the assessment of property and for the levy and collection of taxes," approved March* 30, 1872. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That sections twenty-four, (24) one hundred and twenty-nine, (129), one hundred and seventy-seven (177), as amended; two hundred and twenty-four (224), and two hundred and twenty-seven (227) of an act entitled "An act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, be amended so as to read as follows:

§ 24. [SCHEDULE.] Persons required to list personal property shall make out, under oath, and deliver to the assessor, at the time required, a schedule of the numbers, amounts, quantity, and quality of all personal property in their possession or under their control, required to be listed for taxation by them. It shall be the duty of the assessor to determine and fix the fair cash value of all items of personal property, including all grain on hand on the first day of May and in as-

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sessing notes, accounts, bonds and moneys, the assessor shall be governed by the same rules of uniformity that he adopts as to value in assessing other personal property, and the assessor is hereby authorized to administer the oath required in this section and if any person shall refuse to make such schedule under oath, then the assessor shall list the property of such person according to his best judgment and information and shall add to the valuation of such list an amount equal to fifty per cent of such valuation and if any person making such schedule shall swear falsely he shall be guilty of perjury and punished accordingly. Any person so required to list personal property who shall refuse, neglect or fail when requested by the proper assessor, so to do, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in any sum not exceeding two hundred dollars and the several assessors shall report any such refusal to the county attorney whose duty it is hereby made to prosecute the same.

§ 129. [FORFEITED PROPERTY—BACK TAXES.] In all cases where any real property has heretofore been or may hereafter be forfeited to the State for taxes, it shall be the duty of the clerk, when he is making up the amount of tax due on such real property for the current year to add the amount of back tax, interest, penalty and printers fees remaining due on such real property, with one years interest at ten per cent. on all taxes heretofore forfeited, and twenty-five per cent. on all taxes hereafter levied and forfeited on the amount of tax due, to the tax of the current year, and the aggregate amount so added together shall be collected in like manner as the tax on other real property for that year may be collected. *Provided*, that the county clerk shall first carefully examine said list, and strike out therefrom all errors and otherwise make such corrections as may be necessary with respect to such property or tax. (See section 229.)

§ 177. [DELINQUENT DEFINED.] All real estate upon which taxes remain due and unpaid on the tenth day of March, annually or at the time the town or district collector makes return of his books to the county collector, shall be deemed delinquent; and all such due and unpaid taxes shall bear interest after the first day of May at the rate of one per cent. per month until paid or forfeited; parts or fractions of a month shall be reckoned as a month. And all such collections on account of interest shall be paid into the county treasury to be used for county purposes.

§ 224. [EFFECT OF DEED AS EVIDENCE.] Deeds executed by the county clerk, as aforesaid, shall be *prima facie* evidence, in all controversies and suits in relation to the right of the purchaser, his heirs or assigns, to the real estate thereby conveyed of the following facts: *First*, That the real estate conveyed was subject to taxation at the time the same was assessed, and had been listed and assessed in the time and manner required by law. *Second*, That the taxes or special assessments were not paid at any time before the sale. *Third*, That the real estate conveyed had not been redeemed from the sale at the date of the deed. *Fourth*, That the real estate was advertised for sale in the manner and for the length of time required by law. *Fifth*, That the real estate was sold for taxes or special assessments, as stated in the deed. *Sixth*, That the grantee in the deed was the

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purchaser or assignee of the purchaser. *Seventh*, That the sale was conducted in the manner required by law. And any judgment for the sale of real estate for delinquent taxes rendered after the passage of this act except as otherwise provided in this section, shall estop all parties from raising any objections thereto or to a tax title based thereon, which existed at or before the rendition of such judgment, and could have been presented as a defense to the application for such judgment in the court wherein the same was rendered, and as to all such questions the judgment itself shall be conclusive evidence, of its regularity and validity in all collateral proceedings, except in cases where the tax or special assessments have been paid or the real estate was not liable to the tax or assessment.

§ 227. [REDEMPTION OR PURCHASE OF FORFEITED PROPERTY.] If any person shall desire to redeem or purchase any tract of land or lot forfeited to the State, he shall apply to the county clerk, who shall issue his order to the county collector, directing him to receive from said person the amount due on said tract or lot, which shall in no case be less that ten per cent. on all taxes heretofore forfeited, and twenty-five per cent. on all taxes hereafter levied and forfeited, in addition to the tax, special assessments, interest and printers fees due thereon, particularly describing the property and setting forth the amount due; and upon presentation of said order to the county collector, he shall receive said amount and give the person duplicate receipts therefor, setting forth a description of the property and the amount received—one of which shall be countersigned by the county clerk, and when so countersigned, shall be evidence of the redemption or sale of the property therein described, as the case may, be, but no such receipt shall be valid until it is countersigned by the county clerk. The other receipt shall be filed by the county clerk in his office, and said clerk shall make a proper entry of the redemption or sale of the property on the books in his office, and charge the amount of the redemption or sale money to the county collector. In cases of sales, the collector and clerk shall make the receipt in the form of a certificate of purchase. Property purchased under this section shall be subject to redemption, notice etc., the same as if sold at regular public tax sale. (See section 225).

APPROVED May 31st, 1879.

STATE TAX.

§ 1. Tax for State purposes—revenue fund.
§ 2. State school fund.
§ 3. Rates computed.

AN ACT *to provide the necessary revenue for State purposes. Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. [TAX FOR STATE PURPOSES—REVENUE FUND.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That there shall be raised, by levying a tax, by valuation upon the assessed taxable property for the years A. D. 1879, and 1880, in this State, for general State purposes, to be designated "revenue fund" the following sums, to-wit: The sum of one million one hundred thousand dollars for the year 1879, upon the assessed taxable property for the year 1879; and the sum of one million five hundred

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thousand dollars for the year 1880, upon the assessed taxable property for the year 1880. There shall also be placed to the credit of such revenue fund, for general State purposes for the year 1879, the sum of nine hundred thousand dollars of the unappropriated money now to the credit of such fund in the State treasury.

§ 2. [STATE SCHOOL FUND.] That there shall also be raised, by levying a tax, by valuation upon the assessed taxable property for the years A. D. 1879 and 1880, in this state, for State school purposes, to be designated "State school fund," the following sums, to-wit: The sum of seven hundred thousand dollars for the year 1879, upon the assessed taxable property, for the year 1879, and the sum of one million dollars for the year 1880, upon the assessed taxable property for the year 1880. There shall also be placed to credit of such State school fund for the year 1879, the sum of three hundred thousand dollars of the balance remaining in said fund in the State treasury, and apportioned among the several counties according to law.

§ 3. [RATES COMPUTED.] The Governor and Auditor shall, annually compute the separate rates per cent. required to produce not less than the above amounts, anything in any other act providing a different manner of ascertaining the amount of revenue required to be levied for State purposes to the contrary notwithstanding; and when so ascertained the Auditor shall certify to the county clerks the proper rates per cent. therefor, and also such different rates for other purposes as are now or may hereafter be provided by law, to be levied and collected as State taxes, and all laws and parts of laws in conflict with this act are hereby repealed.

APPROVED May 31st, 1879.

SURVEY BY CLERK.

§ 63. Owner neglecting—county clerk to cause plat, etc.

AN ACT *to amend section sixty-three* (63) *of an act entitled "An Act for the assessment of property, and for the levy and collection of taxes," approved March* 30, 1872, *in force July* 1, 1872. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section sixty-three (63) of an act entitled An Act for the assessment of property, and for the levy and collection of taxes," be amended so as to read as follows:

§ 63. [OWNER NEGLECTING—COUNTY CLERK TO CAUSE PLAT, ETC.] If the owner of any such tract or lot shall refuse or neglect to cause such survey to be made within thirty (30) days after having been notified by the county clerk, by publication of a notice in a newspaper in the county, having general circulation, at least three times, said clerk shall cause such survey to be made and recorded; and the expenses of the publication of such notice and of making such survey shall be added to the tax levied on such real property, and when collected, shall be paid, on demand to the persons to whom it is due.

APPROVED May 31st, 1879.

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TAX-DEED NOTICE.

§ 216. Notice.

AN ACT *to amend section two hundred and sixteen of an act entitled "An act for the assessment of property, and for the levy and collection of taxes," approved March* 30, 1872, *in force July* 1, 1872. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section two hundred and sixteen of "An act for the assessment of property, and for the levy and collection of taxes," (approved March 30, 1872) be amended to read as follows:

§ 216. [NOTICE.] Hereafter no purchaser or assignee of such purchaser, of any land, town or city lot, at any sale of lands, or lots, for taxes or special assessments, due either to the State or county, or incorporated town or city within the same, or at any sale for taxes or levies otherwise, by the laws of this State, shall be entitled to a deed for lands or lots so purchased, until the following conditions have been complied with, to-wit: Such purchaser or assignee shall serve, or cause to be served, a written or printed, or partly written or partly printed notice of such purchase, on every person in actual possession or occupancy of such land or lot; also, the person in whose name the same was taxed or specially assessed, if upon diligent inquiry, he or she can be found in the county, also, the owners of or parties interested in said land or lot, if they can, upon diligent inquiry, be found in the county, at least three months before the expiration of the time of redemption on such sale; in which notice he shall state when he purchased the land or lot, in whose name taxed, the description of the land or lot he has purchased; for what year taxed or specially assessed; and when the time of redemption will expire. If no person is in possession or occupancy of such land or lot and the person, in whose name the same was taxed or specially assessed, upon diligent inquiry, cannot be found in the county, or the owners of, or parties interested in said land or lot, upon diligent inquiry, cannot be found in the county, then such person, or his assignee, shall publish such notice in some newspaper printed in such county, and if no newspaper is printed in said county, then in the newspaper that is published in this State nearest to the county seat of the county in which such land or lot is situated, which notice shall be inserted three times, the first time not more than five months, and the last time not less than three months, before the time of redemption shall expire: *Provided, however*, that if the owners of said land or lot, or the parties interested therein, cannot be found in the county, and the person in the actual occupancy is tenant to, or is in possession under the owner or party interested therein, then service of said notice upon such tenant or occupant, shall be deemed service upon the owner or party interested: and *Provided, further*, that if the owners or parties interested are unknown to such purchaser or his assignee, then the said publication, as to them, may be to the unknown owner or parties interested.

APPROVED May 31st, 1879.

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ROADS AND BRIDGES.

IN COUNTIES UNDER TOWNSHIP ORGANIZATION.

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IN COUNTIES UNDER TOWNSHIP ORGANIZATION.

AN ACT *in regard to roads and bridges in counties under township organization. Approved May* 28, 1879. *In force July* 1, 1879.

§ 1. [CERTAIN ROADS DECLARED PUBLIC HIGHWAYS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all roads within this State, which have been laid out in pursuance of any law of this State, or of the late territory of Illinois, or which have been established by dedication or uses for twenty years, and which have not been vacated in pursuance of law, are hereby declared to be public highways.

§ 2. [TURN TO THE RIGHT.] Whenever any person, traveling with any carriages, shall meet on any turnpike, road or public highway in this State, the person, so meeting shall seasonably turn their carriages to the right of the centre of the road, so as to permit each carriage to pass without interfering or interrupting, under the penalty of five dollars for every neglect or offence, to be recovered by the party injured: *Provided*, this section shall not be construed to apply to any case, unless some injury to persons or property shall occur by the driver of the carriage or wagon refusing to turn to the right of the beaten track, nor shall it be construed to extend to a case where it is impracticable, from the nature of the ground, for the driver of the carriage or wagon to turn to the right of the beaten track.

§ 3. [DRUNKEN DRIVER.] No person owning any carriage, running or traveling upon any road in this State, for the conveyance of passengers, shall employ, or continue in employment, any person to drive such carriage who is addicted to drunkenness, or the excessive use of spirituous liquors, and if any such owner shall violate the provisions of this section, after he shall have had notice and reasonable proof that such driver is addicted to drunkenness, he shall forfeit at the rate of five dollars per day for all the time during which he shall thereafter have kept any such driver in his employment.

§ 4. [DRUNKEN DRIVER—DISCHARGE OF.] If any driver, whilst actually employed in driving any such carriage, shall be guilty of intoxication to such a degree as to endanger the safety of the passengers in the carriage, it shall be the duty of the owner of such carriage, on receiving written notice of the fact, signed by any one of said passengers, and certified by him on oath, forthwith to discharge such driver from his employment; and every such owner who shall retain or have in his employ, within one month after the receipt of such notice, any driver who shall have been so intoxicated, shall forfeit at the rate of five dollars per day for the time during which he shall keep any such driver in his employment after receiving such notice.

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§ 5. [RUNNING HORSES ON PUBLIC ROAD.] No person driving any carriage upon any turnpike road or public highway within this State, with or without passengers therein, shall run his horses or carriage, (or permit the same to run) upon any occasion, or for any purpose whatever; and every person who shall offend against the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not exceeding ten dollars, or imprisoned not exceeding sixty days, at the discretion of the court.

§ 6. [TEAMS TO BE HITCHED.] It shall not be lawful for the driver of any carriage used for the purpose of conveying passengers for hire, to leave the horses attached thereto while passengers remain therein, without first making such horses fast with a sufficient halter, rope or chain, or by placing the lines in the hands of some other competent person, so as to prevent their running; and if any such driver shall offend against the provisions of this section, he shall forfeit the sum of twenty dollars, to be recovered by action, to be commenced within six months; and unless the amount of such recovery be paid forthwith, execution shall be immediately issued therefor.

§ 7. [OWNER LIABLE FOR DAMAGES—DRIVER OF STAGE, ETC., GUILTY OF MISDEMEANOR.] The owners of every carriage running upon any turnpike road or public highway, for the conveyance of passengers, shall be liable, jointly and severally, to the party injured, in all cases, for all injuries and damages done by any person in the employment of such owners as a driver, while driving such carriage, to any person, or to the property of any person; and that, whenever the act occasioning such injury or damage be willful, negligent or otherwise, in the same manner that such driver would be liable. Any driver of any mail stage coach, or any other vehicle for the conveyance of passengers, willfully offending against the provisions of this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be imprisoned not exceeding four months, or fined not exceeding three hundred dollars.

§ 8. [CARRIAGE DEFINED.] The term "carriage" as used in this act, shall be construed to include stage coaches, wagons, carts, sleighs, sleds, and every other carriage or vehicle used for the transportation of passengers and goods, or either of them.

§ 9. [RESTRICTION—JURISDICTION.] Nothing contained in this act shall interfere with or affect any law concerning hackney coaches or carriages in any of the cities, towns or villages of this State, nor interfere with nor affect the laws or ordinances of any such city, town or village, for the licensing or regulating such coaches or carriages. Justices of the peace shall have jurisdiction in all cases arising under this act, where the penalty does not exceed their jurisdiction.

§ 10. [DUTIES OF COMMISSIONERS OF HIGHWAYS.] The commissioners of highways in the several towns of this State shall have the care and superintendence of highways and bridges therein, and it shall be their duty:

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First.—To give directions for the repairing of roads and bridges in their respective towns, and to cause the building of bridges when the public interests or necessity require it.

Second.—To lay out and establish roads, to regulate the roads already laid out, and to alter or vacate such roads, as they, or a majority of them shall deem proper as hereinafter provided.

Third.—To cause such roads used as highways as have been laid out, or dedicated to public use, but not sufficiently described, and such as have been used for twenty years, but not recorded, to be ascertained, described and entered of record in the town clerk's office.

Fourth.—To cause the highways and bridges which are or may be erected over streams intersecting highways, to be kept in repair.

Fifth.—To divide their respective towns into so many road districts as they shall deem convenient, by writing, under their hands, to be lodged with the town clerk, and by him to be entered in the town book; such division to be made annually, if they shall think it necessary; and in all cases to be made at least ten days before the annual town meeting.

Sixth.—To assign to each of the said road districts such of the inhabitants liable to work on highways as they shall think proper, having regard to proximity of residence as much as may be.

Seventh.—To require the overseers of highways, from time to time and as often as they shall deem necessary, to warn all persons to work on highways to come and work thereon, with such implements, carriages, plows and teams as they may have; and the said commissioners, or any of them, shall direct and see that persons working or repairing the highways leave undisturbed all stones or other monuments marking sectional and other corners, which may be in the public roads worked or repaired by them.

Eighth.—To take possession of and keep all scrapers, plows and other tools belonging to their town, wherever the same may be found, and not allow the same to go to waste, and not lend the same, except to persons employed by them to work on the roads by contract or otherwise.

Ninth.—To purchase for use upon highways such necessary tools, implements and machinery as may be necessary: *Provided, however*, that whenever either one of such tools, implements or machinery, shall cost more than two hundred dollars, that the purchase thereof shall be first submitted to a vote of the legal voters of such township, upon ten days previous notice by the town clerk in his annual town meeting notice, stating the tools, implements, or machinery proposed to be purchased, together with the price thereof; and said vote shall be by ballot, and shall read "for purchase" or "against purchase" and if a majority of all the votes so cast at said election shall be in favor of such purchase, then such purchase may be made.

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Tenth.—To cause to be erected and kept in repair, at the forks of crossing place of the most important public roads, a post and guide-boards, with plain inscriptions thereon in letters and figures, giving directions and distances to the most noted places to which such road may lead; to prevent thistles, burdock, cockle-burs, mustard, yellow-dock, Indian mallow, and jimson weed from seeding, and to extirpate the same so far as practicable, and to prevent all rank growth of vegetation in the public highway, so far as the same may obstruct public travel; and the said highway commissioners may, in their discretion, sink and construct wells, with a suitable pump or other suitable fixture, and a water-trough attached thereto, and keep the same in repair, for public use for watering teams, at the intersection of the most important roads in their towns or road districts; and they may also adopt any other suitable and convenient mode of supplying water in troughs, conveniently situated on the public highways, for public use, at other points than at such intersections; and the cost of such improvements shall be paid out of the road and bridge funds of such town.

§ 11. [COMMISSIONERS TO CHOOSE TREASURER—HIS DUTIES—BOND.] At the first meeting of the commissioners of highways, after the annual town meeting, they shall proceed to choose one of their number as treasurer. The treasurer so chosen shall receive and have charge of all moneys raised in the town for the support and maintenance of roads and bridges, excepting such portions of the moneys as are hereinafter directed to be paid to the authorities of incorporated villages, towns and cities. He shall hold such moneys, at all times subject to the order of the commissioners of highways, and shall pay them over upon their order, or a majority of said commissioners, and not otherwise. He shall execute bond, with good and sufficient security, in such manner as the supervisor and town clerk shall determine, conditioned for the faithful discharge of his duties as such treasurer, and that he will honestly and faithfully account for and pay over, upon the order of the commissioners of highways, all moneys that shall come to his hands by virtue of his said office; which bond shall be payable to the supervisor of the town and his successor in office, and be approved by the supervisor and town clerk, and filed in the town clerks office, but such treasurer shall not receive any additional compensation for such services, and he shall keep an account in a book provided by the commissioners, of all moneys received and all moneys paid out, showing in detail to whom and on what account the same is so paid.

§ 12. [ANNUAL ACCOUNTING OF COMMISSIONERS.] The commissioners of highways, of each town shall render to the board of town auditors, at their annual meeting, for auditing the accounts of town officers, an account in writing, stating:

First.—The labor assessed and performed in such towns.

Second.—The sums received by such commissioners, for fines and commutations and all other moneys received under this act.

Third.—A statement of the improvements necessary to be made on such roads and bridges, and an estimate of the probable expense of

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making such improvement, beyond what the labor to be assessed in that year and the road tax will accomplish.

Fourth.—Also, a statement in writing, of all expenses and damages in consequence of laying out, altering or discontinuing roads.

Fifth.—Also a statement of the amount received from the collector of the town, or from any other source, up to the time of such statement, and the manner in which the same, if any sum, has been paid out and expended, to whom and on what account.

§ 13. [MEETINGS OF COMMISSIONERS—RECORD TO BE KEPT.] The commissioners of highways of each town shall meet, on the second Tuesday after the annual town meeting in each year, at the town clerk's office, and afterwards at such other times and places as they shall think proper. Said commissioners shall keep a correct record of their proceedings at all meetings.

§ 14. [ASSESSMENT OF ROAD LABOR AND TAX.] The town clerk shall deliver the lists filed by the overseers, to the commissioners of highways of the town, who shall proceed to ascertain, estimate and assess the highway labor and road tax to be performed and paid in their town the next ensuing year.

§ 15. [ROAD LABOR—WHO LIABLE—TIME.] Every able-bodied male inhabitant, being above the age of twenty-one years and under the age of fifty (excepting paupers, idiots, lunatics, and such others as are exempt by law,) shall be required to labor on the highways in their respective road districts, not less than one nor more than three days in each and every year.

§ 16. [TAX OF TOWN OR VILLAGE, ETC.] The commissioners of highways of each town, shall annually ascertain, as near as practicable, how much money must be raised by tax on real and personal property, for the making and repairing of roads only, to any amount they may deem necessary, not exceeding forty cents on each one hundred dollars worth, as valued on the assessment roll of the previous year: *Provided*, that the tax on the property levied for road purposes only, lying within an incorporated village, town or city, in which the streets and alleys are under the care of the corporation, shall be paid over to the treasurer of such village, town or city, to be appropriated to the improvement of roads, streets and bridges, either within or without said village, town or city, and within the township, under the direction of the corporate authorities of such village, town or city: *Provided, further*, that when any of said tax is expended beyond the limits of said village, town or city, it shall be with the consent of the road commissioners of the town. *And, provided, further*, that the authorities of such incorporated town, city or village may at any time direct the collector not to collect the tax so levied within the limits of such incorporated town, city or village.

§ 17. [ROAD LABOR AND TAX LIST.] The commissioners of highways shall affix to the name of each person named in the lists furnished by the overseers, the number of days assessed to each person

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for highway labor, and they shall make a list for each district, containing a description of each tract of land in the district and the name of the owner, if known and also the names in alphabetical order of the personal property tax payer, and shall set opposite each tract of land the valuation thereof, as taken from the assessment roll of the previous year, and opposite each tax payers name the amount of his personal assessment, as taken from said roll, and opposite each valuation and assessment they shall extend the road tax assessed thereon in a separate column. The lists so prepared shall be subscribed by the commissioners, and deposited with the town clerk, to be filed in his office.

§ 18. [COPIES TO BE GIVEN TO OVERSEERS.] The commissioners shall direct the clerk of the town to make a copy of each list, and shall subscribe such copies, after which they shall cause the several copies to be delivered to the respective overseers of highways of the several districts in which the highway labor is assessed. One copy for each overseer shall contain the name and number of days assessed to each person, the other the real and personal property road tax.

§ 19. [OVERSEERS TO ADD NAMES TO LIST.] It shall be the duty of the overseers to add the names of persons left out of any such list, and of new inhabitants, and to rate the persons so added in the same proportion to work on the highways as others rated by the commissioners on such list, subject to an appeal to the commissioners.

§ 20. [CREDITS FOR LABOR ON PRIVATE ROADS.] It shall be the duty of commissioners of highways of each town to credit such persons as live on private roads, and work the same so much on account of their assessment, as such commissioners shall deem necessary to work such private road, or to annex such private road to some of the highway districts.

§ 21. [NOTICE OF TAX, AND THAT SAME MAY BE WORKED OUT. The town clerk shall, within ten days after the commissioners of highway have filed in his office the amount of road tax assessed on the real and personal estate of the towns, post a notice on the outer door of the house where the town meeting was last held, and two other public places in said town, stating the amount of road tax assessed on each one hundred dollars worth of the real and personal estate of the town, and that all persons interested can pay the same in labor on the highways, under the direction of the overseer of highways, in the district where the land or personal property is situated.

§ 22. [PENALTY FOR NEGLECT OF DUTY.] If the commissioners of highways shall refuse or neglect to perform any of the duties enjoined on them by this act, they shall severally forfeit not less than ten dollars nor more than fifty dollars, and may be proceeded against, severally or jointly, for the recovery of such forfeiture before any justice of the peace in the proper county having jurisdiction.

§ 23. OVERSEERS OF HIGHWAYS—HOW CHOSEN—TERM OF OFFICE.] There shall be chosen at the annual town meeting in each town, as

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many overseers of highways as there are road districts in the town; and each overseer of highways, so chosen, shall be a resident of the road district for which he is elected, and shall hold his office for one year.

§ 24. [DUTIES OF OVERSEERS.] It shall be the duty of overseers of highways in each town:

First.—To repair and keep in order the highways within their several districts for which they shall have been elected.

Second.—To warn all persons, from whom road labor is due, to work on the highways at such times and places, within their several districts, as they may think proper. The overseers of highways may contract with persons owing poll tax for road purposes, to perform a certain amount of labor on any road or bridge in their town or road district for the amount of such tax; and if the work is done within the time that the money should have been paid, the overseer shall give such person a receipt for such labor done or performed.

Third.—To collect all fines and commutation money, and to execute all lawful orders of the commissioners of highways.

Fourth.—To deliver to the clerk of the town, within ten days after their election or appointment, a list, subscribed by such overseers, of the names of all the inhabitants in his road district who are liable to work on highways.

§ 25. [REFUSAL TO SERVE, ETC.—VACANCY—HOW FILLED.] If any person chosen or appointed to the office of overseer of highways, shall refuse to serve or if his office shall become vacant, the commissioners of the highways of the town shall, by warrant, under their hands appoint some other person in his stead; and the overseer so appointed shall have the same powers, be subject to the same orders and liable to the same penalties as overseers chosen at the town meeting.

§ 26. [NOTICE OF APPOINTMENT TO FILL VACANCY.] The commissioners making appointment, shall cause such warrant to be forthwith filed in the office of the town clerk, who shall give notice to the person appointed as in other cases.

§ 27. [PENALTY AGAINST OVERSEERS.] Every overseer of highways who shall refuse or neglect to perform any of the duties hereinbefore enumerated, or which may be lawfully enjoined on him by the commissioners of highways of his town, shall for every such refusal or neglect, forfeit the sum of ten dollars, to be sued for by the commissioners of highways of the town, and when recovered to be applied by them in making and improving the roads and bridges therein.

§ 28. [NOTICE TO PERFORM ROAD LABOR.] It shall be the duty of overseers of highways to give at least three days notice, either verbally or by leaving a written notice at their place of residence, to all persons assessed to work on highways, and residing within the limits of their respective districts, of the time and place when and

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where they are to appear for that purpose, and with what implements; but no person, being a resident of the town, shall be required to work on any highway other than in the district in which he resides, except he resides in a district on a town line, which district belongs to an opposite town, and unless he shall elect to work in same district where he has land; and in said case he may, with the approbation of the commissioners of highways, apply the work assessed in respect to such land in the district in which the same is situated: *Provided*, if the overseers of highways fail to perform their duty, the commissioners of highways shall have power to perform such duties, or cause the same to be performed, under such rules as they may prescribe.

§ 29. [DAYS TO BE WORKED—COMMUTATION.] Every person liable to work on the highways shall work the whole number of days for which he shall have been assessed; but every such person, other than an overseer of highways, may elect to commute for the same, or for any part thereof at the rate of one dollar per day; in which case such commutation money shall be paid to the overseer of highways of the district in which the person commuting shall reside, to be applied and expended by such overseer in the improvement of the roads and bridges in the same district.

§ 30. [PAYMENT OF COMMUTATION.] Any person intending to commute for his assessment, or any part thereof, shall, within three days after he shall be notified to appear and work on the highways, pay the commutation money for the work required of him by such notice; and the commutation shall not be considered as complete until such money be paid.

§ 31. [TEAMS MAY BE REQUIRED.] Every overseer of highways shall have power to require a team or a cart, wagon or plow, with a pair of horses or oxen, and a man to manage them, for any person having the same within his district, who shall have been assessed two days or more, and who shall not have commuted for his assessment; and the person furnishing the same, upon such requisition, shall be entitled to a credit of two days for each days service therewith.

§ 32. [SUBSTITUTE.] Every person assessed to work on the highways, and named to work, may appear in person, or by an able-bodied man as a substitute, and the person or substitute shall actually work eight hours in each day, under a penalty of twenty-five cents for every hour such person or substitute shall be in default, to be imposed as a fine on the person assessed.

§ 33. [IDLERS, ETC.—PENALTY.] If any person, after appearing, remain idle, or not work faithfully, or hinder others from working, such offender shall, for every offense forfeit to the town the sum of two dollars.

§ 34. [PENALTY FOR NEGLECT, ETC., TO APPEAR.] Every person so assessed and duly notified, who shall not commute, and who shall refuse or neglect to appear, as above provided, shall forfeit to the town, for every days refusal or neglect, the sum of two dollars ($2.00). If

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he was required to furnish a team, carriage, man or implement, and shall refuse or neglect to comply, he shall be fined as follows:

First.—For wholly failing to comply with such requisition, four dollars ($4.00) for each day.

Second.—For omitting to furnish a pair of horses or oxen, one dollar and fifty cents ($1.50) for each day.

Third.—For omitting to furnish a man to manage the team, two dollars ($2.00) for each day.

Fourth.—For omitting to furnish a wagon, cart or plow, seventy-five cents (75-100) for each day.

§ 35. [COMPLAINT OF OVERSEER.] It shall be the duty of every overseer of highways, within six days after any person assessed and notified shall be guilty of any refusal or neglect, for which a penalty or fine is prescribed in this act, unless a satisfactory excuse shall be rendered to him for such refusal or neglect, to make complaint, on oath, to any justice of the peace of the county: "*Provided*, if the overseers of highways fail to perform their duty, as prescribed in this section, the commissioners of highways shall have power to perform such duties."

§ 36. [SUMMONS.] The justice to whom such complaint shall be made shall forthwith issue a summons, directed to any constable of the county, requiring him to summon such delinquent to appear within five days before such justice, according to law, for such refusal or neglect.

§ 37. [TRIAL—EXECUTION—NO EXEMPTION.] On the day of trial the justice shall proceed to hear and determine the case according to law, for the offense complained of, and shall forthwith issue an execution under his hand and seal, directed to any constable of the county where such delinquent shall reside, commanding him to levy such fine, with the costs of the proceeding, of the goods and chattels of such delinquent. No personal property shall be exempt from levy of attachment or execution when the judgment is for commutation of road or street labor; *Provided*, the court rendering the judgment shall find that the same is for road or street labor, which finding shall be expressed on the record of said judgment and indorsed upon the execution when issued.

§ 38. [COLLECTION OF EXECUTION.] The constable to whom such execution shall be delivered, shall forthwith collect the moneys therein mentioned. He shall pay the fine, when collected, to the justice of the peace who issued the execution, who is hereby required to pay the same to the overseer who entered the complaint, to be by him expended in improving the roads and bridges in the district of which he is overseer.

§ 39. [APPLICATION OF FINE.] Every fine collected for refusal or neglect to appear and work on the highways, shall be set off against his assessments, or personal labor tax, upon which it was founded, estimating every two dollars collected as a satisfaction for one days work.

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§ 40. [EXCUSE NOT TO EXEMPT FROM LABOR.] The acceptance by an overseer, of any excuse for refusal or neglect shall not, in any case, exempt the person excused from commuting for or working the whole number of days, for which he shall have been assessed during the year.

§ 41. [NOTICE OF ROAD TAX—TAX TO BE RECEIVED IN LABOR OR MONEY.] Every overseer of highways shall give at least three days notice to each person residing in his district, against whom a land or personal property road tax is assessed, either personal or in writing, left at his usual place of abode of the time when and the place where he may appear and pay his road taxes in labor and with what implements; and he may require of all persons appearing to pay their taxes in labor to furnish a spade, shovel, axe or hoe, and if any such person be the owner of a team, plow, wagon, cart or other implement useful for working the highways, he may require such person to furnish any of them if his road taxes are not less than three dollars. And every such person may appear at the time and place and with such implements and teams as the overseer in his notice shall have required, and work in person or by an able-bodied substitute; and every such person who shall so appear and work, agreeable to the directions of such overseer of the highways in his district shall be credited on his road tax one dollar and twenty-five cents for every day, he shall actually work eight hours and at that rate for less time, and twenty-five cents a day for every wagon or plow, and one dollar a day for each yoke of oxen, and one dollar and twenty-five cents a day for each span of horses or mules, he shall furnish agreeably to the requirements of said overseer: *Provided*, that any person may elect to pay such tax to the overseer in money: *Provided, further*, if the overseers of highways fail to perform their duty, the commissioners of highways shall have power to perform such duties, or cause the same to be performed under such rules as they may prescribe.

§ 42. [RECEIPT.] It shall be the duty of the overseer of highways when such land tax has been paid, either in money or labor, to write the word "paid" distinctly against each name or tract on his list, on which the same has been paid, and give a receipt for the same, whether paid in labor or money, when demanded.

§ 43. [DELINQUENT ROAD TAX—RETURN.] Every overseer of highways shall deliver to the supervisor of his town, and in Cook county to the county board, at least five days previous to the annual meeting of the board of supervisors, the lists furnished by the commissioners of highways, containing the land and personal property road tax, with an affidavit thereto, sworn to before the supervisor of the town, or some justice of the peace of the county, that on all tracts of land on such list, opposite which the word "paid" is written, such tax is paid, and that on all tracts of land on such list, opposite which the word "paid" is not written, such tax is due and remains unpaid, according to the best of his knowledge and belief.

§ 44. [PENALTY FOR NEGLECT TO RETURN.] If any overseer shall refuse or neglect to deliver such list to the supervisor, as provided in the last preceding section, or shall neglect or refuse to make the

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affidavit, as therein directed, he shall, for every such offense, forfeit the sum of five dollars, and also the amount of taxes remaining unpaid, to be recovered by the commissioners of highways of the town, to be applied by them in improving the roads and bridges of such town.

§ 45. [When road labor to be worked out.] It shall be the duty of every overseer of highways to have at least three-fourths of the road labor assessed in his district, worked out or actually expended on the highways, previous to the first day of September in every year.

§ 46. [Overseer's annual return.] Every overseer of highways shall, on the second Tuesday next preceding the time of holding the annual town meeting in his town, within the year for which he is elected or appointed, render, under oath, to one of the commissioners of highways of the town, an account in writing containing.—

First.—The names of all persons assessed to work on the highways in the district to which he is overseer.

Second.—The names of all those who have actually worked on the highways, with the number of days they have actually worked.

Third.—The names of all those who have been fined, and the sums in which they have been fined.

Fourth.—The names of all those who have commuted, and the manner in which the moneys arising from fines and commutations have been expended by him.

Fifth.—The amount of uncollected road tax which he has returned to the supervisors of the town, as required in section forty-three of this act.

§ 47. [Account—moneys paid to successor.] Every such overseer shall also, then and there, render an account, in writing, of all moneys in his hands by virtue of his office, and shall also pay over the same to his successor in office.

§ 48. [Penalty for neglect.] If any overseer shall refuse or neglect to render such account, or if, having rendered the same, he shall refuse or neglect to pay any balance which may then be due from him, he shall, for every such offense, forfeit the sum of five dollars, to be recovered, with the balance of the moneys remaining in his hands, by the commissioners of highways of the town, and to be applied in making and improving the roads and bridges. It shall be the duty of the commissioners to prosecute for such penalty, in every instance of such refusal or neglect.

§ 49. [Supervisors to lay delinquent list before county board.] It shall be the duty of the supervisors of the several towns to receive the list of the overseers of highways when delivered, pursuant to section forty-three of this act, and to lay the same before the board of supervisors of the county.

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§ 50. [LEVY OF DELINQUENT TAX.] It shall be the duty of the board of supervisors, and in Cook county the county board, to cause the amount of arrearages of the road tax returned by the overseer of highways to the supervisors, as provided in section forty-three of this act, to be levied on the lands returned, and to be collected in the same manner that other taxes of the county are levied and collected, and to order the same, when collected, to be paid over to the commissioners of highways of the town, except such portion of such tax as is hereinbefore directed to be paid to the authorities of incorporated villages, towns and cities, to be by them applied to the construction of roads and bridges.

§ 51. [COMPENSATION OF OVERSEERS.] Each and every overseer of highways shall be entitled to one dollar and twenty-five ($1 25) cents, per day for every day he is necessarily employed in the execution of the duties of overseer, exceeding the amount of his highway labor and road tax, the number of days to be accounted to and audited by the commissioners of highways: *Provided*, that the number of days to be audited shall be left discretionary with the commissioners of highways.

§ 52. [WHEN ROAD TAX MAY BE COLLECTED IN MONEY ONLY.] The legal voters of any township in the state, in counties where township organization has been or may hereafter be adopted, may by a majority vote, at their annual town meeting, provide that thereafter the road tax assessed by the commissioners of highways, under the provisions of this act be collected in money only. *Provided*, the legal voters of any township shall, by a majority vote, decide to pay their road tax in money, the commissioners of highways of any township so voting, are hereby authorized to contract for the construction and repairing of roads, the building and repairing of bridges, in their respective towns; and they shall let such contracts by a public letting, on the first Monday of May, A. D. 1880, and on the first Monday of May in each and every year thereafter, to the lowest responsible bidder, upon proper notice being given, by posting copies of such notices in at least ten public places in their town, not less than ten days before the time of such public letting: *Provided*, the notices shall specify the amount and kind of work to be done, and the time in which it shall be completed: *Provided*, so much of this section as relates to the letting of contracts, shall not be construed so as to prevent the letting of any contract at any other time than the first Monday of May, when necessity requires it, or, if the commissioners of highways deem it to be to the interest of their town, they may, to an amount not exceeding twenty-five dollars, privately contract with persons, as they deem best, for putting and keeping roads and bridges in repair, but in no case shall such contracts exonerate such commissioners from liability for failure to keep such roads and bridges in repair.

§ 53. [PLAT OF ROAD DISTRICTS.] The town clerk of each town shall, on or before the first day of September next, and annually thereafter (if the boundary line be changed,) furnish to the county clerk a certified plat of the several road districts of his town.

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§ 54. [COUNTY CLERK TO DESIGNATE DISTRICT ON TAX BOOK.] In all counties acting under township organization, the county clerk, in extending district road tax upon the tax books, shall designate to what district said tax belongs.

§ 55. [ABSTRACT OF TAX DUE DISTRICTS.] It shall be the duty of county and township collectors to make out an abstract of the amount of district road tax due to each district of the respective townships, and deliver the same to the treasurer of the commissioners of highways.

§ 56. [TAX TO BE PAID TO DISTRICTS.] The treasurer of the commissioners of highways shall pay over the district road tax according to the abstracts as furnished above, upon the written orders of the various overseers of roads for work done in their respective districts, when said orders are approved, in writing, by a majority of said commissioners.

§ 57. [DESTROYING, ETC., GUIDE-BOARDS, ETC.] For destroying or defacing any guide-board, post or mile-stone, or any notice or direction put upon any bridge or otherwise, the offender shall forfeit a sum not less than three dollars, nor more than fifty dollars.

§ 58. [INJURING OR OBSTRUCTING ROAD.] If any person shall injure or obstruct a public road by falling a tree or trees in, upon or across the same, or by placing or leaving any other obstruction thereon, or by encroaching upon the same with any fence, or by plowing or digging any ditch or other opening thereon, or by turning a current of water so as to saturate or wash the same, or shall leave the cuttings of any hedge thereon, for more than five days, shall forfeit for every such offense a sum not less than three dollars, nor more than ten dollars, and in case of placing any obstruction on the highway, an additional sum of not exceeding three dollars per day for every day he shall suffer such obstruction to remain after he has been ordered to remove the same by any of the commissioners of highways, complaint to be made by any person feeling himself aggrieved: *Provided*, this section shall not apply to any person who shall lawfully fell any tree for use, and will immediately remove the same out of the road, nor to any person through whose land a public road may pass, who shall desire to drain his land, and shall give due notice to the commissioners of such intention: *And, provided, further*, that any commissioners or overseers of highways, after having given reasonable notice (to the owners) of the obstruction, or person so obstructing, or plowing or digging ditches upon such road, may remove any such fence or other obstruction, fill up any such ditch or excavation, and recover the necessary cost of such removal from such owner or other person obstructing such road aforesaid, to be collected by said commissioners before any justice of the peace having jurisdiction.

§ 59. [INJURING OR DESTROYING SIDEWALK, BRIDGE, ETC.] If any person shall purposely destroy or injure any sidewalk, public bridge, culvert or causeway, or remove any of the timber or plank thereof, or obstruct the same, he shall forfeit a sum not less than three nor more

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than one hundred dollars, and shall be liable for all damages occasioned thereby, and all necessary costs for rebuilding or repairing the same.

§ 60. [SUITS.] All suits for the recovery of any fine or penalty under this act shall be brought in the name of the town in which the offense is committed, before any justice of the peace or police magistrate within the town or county, who shall have jurisdiction in such cases to the extent of their jurisdiction in other cases; and it shall be the duty of commissioners of highways to seasonably prosecute for all fines and penalties under this act; but in case of a failure of said officers to so prosecute, complaint may be made by any person: *Provided*, said person shall, before bringing said suit in the name of the town, give a bond for costs, as is provided for in the case of non-residents.

§ 61. [APPLICATION OF FINES.] All fines recovered under the provisions of this act, unless otherwise provided, shall be paid over to the commissioners of highways of the town where the offense is committed, to be expended upon the roads and bridges in the town.

§ 62. [SIDEWALKS—TREES—FENCING HEDGE.] It shall be lawful for the owner or occupants of land bordering upon any public road, to build sidewalks not to exceed six feet in width, and to plant shade and ornamental trees along and in such road, at a distance not exceeding one-tenth of the legal width of the road from its margin; and also to erect and maintain a fence, so long as shall be actually necessary for the purpose of raising a hedge on said margin, a distance of four feet from and within said marginal lines.

§ 63. [FARM CROSSING UNDER ROAD.] Any person owning, using, or occupying lands on both sides of any public highway, shall be entitled to the privilege of making a crossing under said highway, for the purpose of letting his cattle and other domestic animals cross said road: *Provided*, said person shall erect at his own expense, a good and substantial bridge, with secure railings on each side thereof, and build an embankment of easy grade, on either side of said bridge; said bridge not to be less than sixteen feet wide, and to be approved by the commissioners of highways of the town in which said bridge is built, and the same to be kept constantly in good repair by the owner or occupant of said land, the construction subject always to the consent and approval of the commissioners of highways of said town: *And, provided, further*, that, in case such crossing is made on any water way or natural channel for water, and where a culvert or bridge is maintained as required for road purposes, said owners or occupants shall not be required to pay for or construct any more of said crossing, than the additional cost of such crossing over and above the necessary cost of a suitable culvert or bridge for road purposes at such place.

§ 64. [WHEN OWNER MAY CONNECT FENCE, BRIDGE, ETC.] And where any bridge on a public road is constructed over a stream or body of water, where the depth or current of water, or the nature of the bank or banks of such stream or body of water is such as to render a fence

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on the marginal line of the public road impracticable or very expensive to construct and keep in repair, the owner of the land bordering on the public road shall have the right to connect the road fence on either or both banks of the stream or body of water, to said bridge or any pier or abutment thereof, or to any embankment or timber approach to said bridge: *Provided*, that no necessary ford across said stream or body of water shall be permanently obstructed thereby: *And, provided, further*, that any such connecting fence shall be constructed by the consent and under the direction of the commissioners of highways of the town in which the bridge may be located.

§ 65. [WIDTH OF ROADS.] All public highways, laid out by order of the commissioners of highways or supervisors, on appeal shall be not less than fifty feet wide, nor more than sixty feet wide: *Provided*, the commissioners may lay out roads not less than forty feet wide nor more than sixty feet wide, when so prayed for by the petitioners, if such road does not exceed two miles in length: *And, provided, further*, that all public roads shall be opened within five years from the date of the filing of the order laying out the same or be deemed vacated.

§ 66. [NOTICE AGAINST FAST DRIVING ON BRIDGE.] The commissioners of highways of each town may, when they shall deem it advisable, put up and maintain, in conspicuous places, at each end of any bridge in such town, maintained at the public charge, a notice with the following words, in large characters: "Five dollars fine for riding or driving on this bridge faster than a walk."

§ 67. [PENALTY FOR FAST DRIVING ON BRIDGE.] Whoever shall ride or drive faster than a walk, over any bridge upon which notice shall have been placed and shall then be, shall forfeit to the town, for every such offense the sum of five dollars.

§ 68. [DITCHES, ETC.] The commissioners of highways of the several towns are hereby authorized to enter upon any land adjacent to any highway in their town, for the purpose of opening any ditch, drain, necessary sluice or water course, whenever it shall be necessary to open a water course from any highway to the natural water courses, and to dig, open and clean ditches, upon said land for the purpose of carrying off the water from said highways, or to drain any slough or pond on said highway: *Provided*, that unless the owner of such land, or his agent, shall first consent to the cutting of such ditches, the commissioners shall apply to any justice of the peace in the county in which such road is situated, for a summons directed to any constable of said county, commanding him to summon the said owner to appear before the said justice, at a time and place specified in such summons, not less than five nor more than fifteen days from the date thereof, for the purpose of having the damage assessed, which such owner may sustain by reason of the digging or opening of such ditches or drains. The said summons shall be under the hand of the said justice; and be served in the same manner as a summons is now served in civil actions before justices of the peace. On the return of such summons, *venire* shall be issued for a jury of twelve persons, who shall be summoned, and whose competency shall be determined, as in other cases in the trial of civil actions before justices of the

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peace; which jury shall assess such damages and render a verdict therefor, which shall be final and conclusive, of the amount of damages sustained by such person, unless such person shall, within the time allowed now by law, perfect an appeal, and the amount so awarded shall be paid before the commissioners of highways shall be warranted and empowered to enter such lands, and dig, open and clean such drains, ditches and water courses, as aforesaid, for the purposes contemplated in this act; and the commissioners of highways are further authorized to use and employ the road labor and money of their town for such purposes: *Provided*, that in case the owner of said lands is a non-resident; service may be had by leaving a copy with the occupant or agent, or by notice in the same manner as prescribed in section (81) of this act.

§ 69. [ALTERING, WIDENING, VACATING AND LAYING OUT ROADS.] The commissioners of highways may alter, widen or vacate any road, or lay out any new road in their respective towns, when petitioned by any number of freeholders, not less than twelve, residing in such town, within three miles of the road so to be altered, widened, vacated or laid out.

§ 70. [PETITION.] Said petition shall set forth, in writing, a description of the road, and what part thereof is to be altered, widened or vacated, and if for a new road, the names of the owners of lands, if known, and if not known, it shall be so stated, over which the road is to pass, the points at or near which it is to commence, its general course, and the place at or near where it is to terminate.

§ 71. [TIME OF MEETING TO BE FIXED—NOTICE.] Whenever the commissioners of highways shall receive any such petition, they shall fix upon a time when and where they will meet to examine the route of such road, and to hear reasons for or against the altering, widening, vacating or laying out the same, and they shall give at least ten (10) days notice of the time and place of such meeting, by posting up notices in three (3) of the most public places in the township, in the vicinity of the road to be widened, altered or vacated.

§ 72. [ADJOURNMENT—DECISION—PROCEEDINGS THEREON.] The commissioners may, by public announcement, and by the posting of a notice at the time and place named for the first meeting, adjourn the meeting from time to time, but not for a longer period than twenty days in all; and shall, at the first or such adjourned meeting, within said twenty days, decide and publicly announce whether they will grant or refuse the prayer of the petition, and shall endorse upon, or annex to the petition, a brief memorandum of such decision, to be signed by the commissioners. Such decision shall be subject to revocation, in case the prayer of the petition is granted, in the manner hereinafter provided. In case the commissioners refuse to grant the prayer of the petition, they shall, within ten days thereafter, file the same, so indorsed, or with such decision annexed thereto, in the office of the town clerk.

§ 73. [IN CASE OF VACANCY OF ROAD.] If the petition is simply for the vacation of a road, and the commissioners of highways, or a

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majority of them, shall at such meeting, decide that the prayer of the petitioners should be granted, they shall order such road to be vacated—a copy of which order, together with the petition, shall be by them filed with the town clerk, such order to be so filed within ten days after the date of such decision.

§ 74. [WHEN FOR LAYING OUT, ALTERING OR WIDENING ROAD.] If such petition is for the establishment of a new road, or the alteration or widening of an existing road, and the commissioners of highways, or a majority of them, shall be of the opinion that the prayer of the petitioners should be granted, they shall cause a survey and plat of such road to be made by a competent surveyor, who shall report such survey and plat to said commissioners, giving the courses and distances, and specifying the land over which said road is to pass—in which they may make such changes between the termini of the road described in the petition, as the convenience and interest of the public in their judgment, may require.

§ 75. [DAMAGES TO BE FIRST ASCERTAINED.] They shall also, before they order any road to be established, altered, widened, or vacated, ascertain, as hereafter provided, the aggregate amount of damages which the owner or owners of land over which such road is to pass, shall be entitled to, by reason of the location, alteration or vacation of such road: *Provided, however*, that in case an appeal is taken from the assessment of damages before the justice of the peace, the commissioners may, in their discretion, make an order laying out, widening, altering or vacating such road, either before or after such appeal is determined, in the manner hereinafter provided.

§ 76. [DAMAGES MAY BE AGREED UPON, ETC.] The damages sustained by the owner or owners of the land, by reason of the establishment, alteration, widening or vacation of any road, may be agreed upon by the owners of such lands, if competent to contract and the commissioners of highways, or they may be released by such owners,—in which case the agreement or release shall be in writing, and shall be filed and recorded with the copy of the order establishing or altering such road, in the town clerk's office, and shall be a perpetual bar against such owners, their grantees and assigns, for all further claims for such damages.

§ 77. [SUMMONING JURY TO ASSESS DAMAGES.] In case such damages are not released or agreed upon, as in the preceding section specified, the commissioners of highways shall, within twenty (20) days from the date of the meeting at which it was decided to grant the prayer of the petition, make a certificate that they are about to establish widen, vacate or alter a public road, describing such road, vacation, widening or alteration, and the land over or on which such road is to be established, altered, widened or vacated, and naming the owners of such land, if known, and if not known, stating the fact, and asking for a jury to assess the damages of such owners, and shall present such certificate to some justice of the peace of the county, who shall summon a jury of twelve (12) persons, at least one-half of whom shall be residents of the town in which the

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proposed road is located, having the qualifications of jurors, to appear before such justice of the peace at a time to be fixed by him, within ten (10) days from a time such certificate was presented to him, to assess such damages.

§ 78. [NOTICE TO OWNERS.] The commissioners of highways shall also notify each and every owner of land—if known, and a resident of the county—whose damages are to be assessed, that they will apply to some justice of the peace of the county (giving the time when and the place where) to have a jury impaneled to assess such damages.

§ 79. [MANNER OF SELECTING A JURY.] Upon the presentation of such certificate by the commissioners of highways, the justice of the peace shall forthwith issue a *venire* directed to any constable of the county, to summons twelve persons having the qualifications of jurors, to appear at such time and place as may be designated for the trial of such cause, whose competency shall be determined the same as in other civil cases before justices.

§ 80. [CHALLENGE TO JURORS.] At the trial of the case, either party shall have the right of challenge as in other cases; and any deficiency in the number of jurors, from whatever cause, shall be supplied by summoning other persons residing in the township, or in an adjoining township, in the same manner as in a civil case. Such justice of the peace shall notify the owners of such land mentioned in such certificate to appear at the same time before such justice to prove their damages.

§ 81. [NOTICE TO UNKNOWN OWNERS.] In case it shall appear either from the certificate of the commissioners, the affidavit of any person, or the return of any officer to whom the notice may be delivered for service, that there is an unknown owner or owners who cannot be found and served within the county, such justice shall also cause notice to be posted in three of the most public places in the vicinity of such proposed road or alteration, at least six days before the time fixed for the appearance of such jury, stating when such jury is to be impaneled by him, and describing the road to be established, altered, widened or vacated as petitioned for, and the lands for which damages are to be assessed.

§ 82. [SERVICE OF NOTICE.] The notice to such owners of lands may be served by any constable or one of the petitioners, or other person of lawful age, at least five days before the time of appearance. If any of such owners is an infant, such summons shall be served by delivering a copy to the infant or its guardian, if any; if no guardian, the person with whom he or she resides. If any owner is a lunatic, or habitual drunkard having a conservator, or insane, by delivering a copy to his conservator, if any; if any such owner is a married woman, by delivering a copy to her.

§ 83. [OATH OF JURY—TRIAL—CHANGE OF VENUE.] The jury shall appear before and be sworn or affirmed by such justice, faithfully and impartially to assess the damage of each of the owners specified in such certificate, or those of them whose claims are then to be adjusted

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according to law, to the best of their judgment and understanding; and all parties in interest shall be entitled to subpœnas and other writs and papers, and the trial shall be conducted as in other civil cases: *Provided*, changes of venue may be granted, if applied for before the commencement of the trial, under the same rules and regulations as other civil causes before justices of the peace.

§ 84. [TRIAL—VERDICT—JUDGMENT.] The jury shall hear such lawful evidence touching the question of such damages, as may be presented to them; and shall also, on request of a majority of the road commissioners or owners of lands whose damages are to be determined, in a body, visit and examine the proposed location, alteration, widening or vacation of such road, and the lands to be taken and affected thereby, and make a written verdict, specifying the amount of damages, if any, which each such owner shall recover and return the same to such justice, to be by him entered on his docket, in the nature of a judgment, to be paid by such commissioners, together with the costs of such suit, in case they shall finally determine, to establish, alter, or widen or vacate such road, and the money therefor shall be paid by the town, out of the funds in the hands of the treasurer of the commissioners of highways, raised for road and bridge purposes: *Provided:* that in estimating the damages, the jury may consider the benefits conferred, or may disregard such benefits; but no benefits enjoyed in common by the owners of surrounding property shall be considered in estimating damages.

§ 85. [SEPARATE ASSESSMENTS—CONTINUANCES, ETC.] *Provided*, that when there are several such owners, the jury may assess the damages of one or more, or all of them, at the same time, or they may assess such damages at different times, or there may be different juries and trials at different times, for different owners, if any owner shall demand a separate trial, and any such assessment of damages may be continued from time to time for good cause, with the like effect as continuances in other cases before justices of the peace.

§ 86. [FINAL DECISION BY COMMISSIONERS—NOTICE.] Within thirty days after the total amount of damages shall have been ascertained, either by release or agreement of the parties, or by assessment before a justice of the peace and a jury, in the manner hereinbefore provided, the commissioners shall hold a meeting to finally determine upon the laying out, altering, widening or vacation of such road, of which meeting said commissioners shall give public notice, by causing not less than three notices thereof to be posted in public places within the town, at least five days prior thereto.

§ 87. [COMMISSIONERS MAY REVOKE PROCEEDINGS.] In cases where the damages are not wholly released or agreed upon, and the commissioners shall be of the opinion that the damages assessed by the jury are manifestly too high, and that the payment of the same would be an unreasonable burden upon the taxpayers of the town, the commissioners may revoke all proceedings had upon the petition by a written order to that effect. And such revocation shall have the effect to annul all such proceedings and assessments, releases and agreements, in respect to damages growing out of the proceedings upon the petition.

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§ 88. [ORDER TO ALTER, WIDEN, OR LAY OUT ROAD—PLAT—FILING PAPERS—RECORDING.] In case the commissioners shall not revoke such prior proceedings, they shall make an order to be signed by them, declaring such road so altered, widened or laid out a public highway, and which order shall contain or have annexed thereto a definite description of the line of such road, together with a plat thereof. The commissioners shall, within ten (10) days from the date of such order, cause the same, together with the report of the surveyor, the petition and releases or agreements in respect to damages, to be deposited and filed in the office of the town clerk, who shall note upon such order the date of such filing. It shall be the duty of such clerk, after the time for appeal to supervisors has expired, and in the case of such appeal, after the same shall have been determined, in the prayer of the petition is granted, to record such order, together with the plat of the surveyor, in a proper book to be kept for that purpose.

§ 89. [WHEN DAMAGES RELEASED OR AGREED UPON.] In cases where the damages claimed by the land-owners for the right of way is released, or is agreed upon between the land owners and the commissioners, the commissioners, may, at their first meeting, or at any adjourned meeting, examine the route of the road, and cause a survey thereof to be made, and make their order establishing, altering, widening or vacating the road, according to the prayer of the petition, and return the same within the time and in the manner specified in this act.

§ 90. [INDUCEMENT MAY BE OFFERED.] Any person or persons interested in the establishment, alteration, widening or vacation of any road in this State, are hereby authorized to offer inducements to the commissioners of highways, for the establishment, alteration, widening or vacation of any such road, by entering into contract with said commissioners, conditioned upon such establishment, alteration, widening or vacating, to pay money or any other valuable thing to the town, for the benefit of the road and bridge funds of the same, or to perform any labor, or to construct any road, bridge or culvert on any road which said person or persons desire to have established, widened or altered. And such contracts in writing, made with said commissioners, shall be deemed good and valid in law, and may be enforced by said commissioners or their successors in office, before any court having jurisdiction.

§ 91. [TOWN CLERK'S RECORD, ETC.—EVIDENCE—EFFECT OF SAME.] The record of the town clerk, or a certified copy of such record and papers, relating to the establishment, location, alteration, widening or vacation of any road, shall be *prima facie* evidence in all cases that all the necessary antecedent provisions have been complied with, and that the action of the commissioners of highways, or other persons and officers in regard thereto, were regular in all respects.

§ 92. [PRIVATE ROADS.] Roads for private and public use of the width of three rods, or less, may be laid out from one dwelling or plantation of an individual to any public road, or from one public road to another, or from a lot of land to the highway, on petition to the

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commissioners of highways, by any person directly interested. The commissioners, on receiving such petition, shall have power to lay out the road as asked for therein, to which end they shall proceed and examine into the merits of the case, and shall be governed in their proceedings by the rules and regulations prescribed in this act in relation to public roads. The jury shall consider the damages that may result to parties from said proposed road, and shall assess the damages to each individual owner of lands affected thereby. The amount of such damages shall be paid by the persons benefitted thereby, to the extent and in proportion that they are benefitted, to be determined and declared by the jury. The remainder of the amount of damages over and above that to be paid by the parties as aforesaid, shall be paid by the town as in other cases. The amount of damages to be paid by individuals, shall be paid to the parties entitled thereto, before the road shall be opened for use. An appeal may be taken on the question of the propriety and necessity of such road as in other cases.

§ 93. [LIMITATION OF TIME TO OPEN.] If such private road or cartway shall not be opened by the petitioners or their assigns within two years, from the time of making the order for the location of the same, such order shall be regarded as rescinded.

§ 94. [CROPS—FENCES.] When such private road or cartway is proposed to pass over inclosed lands, the owners of such lands shall have a reasonable time not exceeding eight months, to be designated by the commissioners of highways, to harvest crops and remove fences, which may be on such lands before such road or cartway shall be opened.

§ 95. [PAYMENT FOR WORK ON PRIVATE ROADS.] The commissioners of highways may, in their discretion, pay persons who live on or have private roads which are used by the public, for work done on such roads; but in no case shall they be allowed more than the amount of their road tax for the year in which the work is done.

§ 96. [ROADS ON TOWN AND COUNTY LINES.] Public roads may be established, altered, widened or vacated on township or county lines, or from one township into another, in the same manner as other public roads, except that in such case the petition shall be presented to the commissioners of highways of each town interested, said petition to be as in other cases, and signed by not less than twelve freeholders residing in either county, within three miles of the road so to be altered, widened, located or laid out; whereupon it shall be the duty of the commissioners of highways of the several towns to meet, and act as one body, in the same time and manner as in other cases, in considering the petition, viewing the premises, adjusting damages, and making all orders in reference to such proposed road alteration, widening or vacation, and a majority of all such commissioners must concur in all such orders; and a copy of all final orders and plats and papers shall be filed and recorded in each of the counties and towns interested.

§ 97. [ALLOTMENT OF REPAIR, ETC.—DIVISION OF EXPENSE, ETC.] The commissioners of highways shall also, in case a new road is established, allot to each of such towns the part of such road which

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such town shall open and keep in repair, and the part so allotted shall be considered as wholly belonging to such town. They shall also divide the expenses and damages which may accrue from such location, widening or alteration, and if they cannot agree, they shall refer the matter to three disinterested freeholders, as arbitrators whose decision shall be final.

§ 98. [APPEAL.] Any person or persons interested in the decision of the commissioners of highways, in determining to or in refusing to lay out, alter, widen or vacate any road, or revoking any previous order or decision relative to any road, or from the verdict of any jury in assessing damages in opening, altering or vacating any road, may appeal from such decision to three supervisors of the county, outside of the town in which such road or proposed road is located, by giving a written notice of such appeal to said commissioners of highways, and to at least three of the petitioners, and also to the same parties, a notice when and where such appeal will be tried, at least three days before such trial, within ten days after such decision has been filed in the office of the proper clerk; and shall also present a written petition to some justice of the peace of the county, asking for an appeal, and stating on what grounds such appeal is taken.

§ 99. [TRIAL OF APPEAL—POWER OF SUPERVISORS APPEALED TO.] It shall be the duty of the justice of the peace to cause to be summoned three supervisor of the county to hear such appeal; and said supervisors shall fix upon a time and place when said appeal will be heard by them; which place shall be in the town where the road is located; and upon such appeal the said supervisors shall have the same power and authority that is by this act conferred on the commissioners of highways, not only in regard to the laying out, altering, widening or vacating any road, but shall have the same power to cause a jury to be called to assess damages, whenever the state of the proceedings require it, and the supervisors can not agree with the owners of the land in regard to the same.

§ 100. [REPORT OF DECISION—COMPENSATION—DECISION FINAL.] And they shall make a report of their proceedings and decision in the case, and in like manner, that is by this act, required by the highway commissioners, and shall be entitled to the same compensation; and their decision shall be final in regard to laying out, altering, widening or vacating such road, or in refusing to do the same for one year after such decision.

§ 101. [CASES OF APPEAL—BOND.] Any parties taking an appeal from the award of the decision of the highway commissioners, or the verdict of the jury, shall pay the cost of such appeal, in case the award or the decision of the highway commissioners, or the verdict of the jury, is in all things sustained, and shall file a sufficient bond with the justice of the peace or town clerk, before taking such appeal, guaranteeing such payment in such case.

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§ 102. [MAJORITY MAY DECIDE.] The decision of a majority of the supervisors in any appeal case shall be taken as the decision of said supervisors.

§ 103. [APPEAL WHEN ROAD IS ON TOWN OR COUNTY LINE.] When the commissioners of highways of one town disagree with the commissioners of highways of an adjoining town, in regard to the laying out of a new road, or the alteration, widening or vacation of an old road, on any county or town line, appeals may be taken from such decision in the same manner as set forth in section (98), of this act. *Provided*, that when such decision is in regard to a road on a county line, two supervisors and one commissioner of highways shall be selected from one county, and two commissioners of highways and one supervisor shall be selected from the other. The county from which the two supervisors shall be selected, shall be determined by the party or parties taking the appeal, and the justice of the peace shall issue his summons accordingly.

§ 104. [TOWN AND COUNTY LINE ROADS—HOW ALLOTTED—WHAT DEEMED SUCH.] All roads heretofore laid out upon town or county lines shall be divided, allotted and kept in repair in the manner as hereinbefore directed. Any public road that is or shall hereafter be laid out on a county or town line, shall be held to be a road on a county or town line, although, owing to the topography of the ground along said county or town line, or at the crossing of any stream of water, the proper authorities, in establishing or locating such road, may have located a portion of the same to one side of such county or town line.

§ 105. [STATE LINE ROADS.] Roads may be laid out and opened upon the line between this and any adjoining state, as provided in the preceding sections, whenever the laws of such adjoining state shall be applicable.

§ 106. [TOWN AND COUNTY LINE BRIDGES.] Bridges over streams which divide towns or counties, and bridges over streams on roads on county or town lines, shall be built and repaired at the equal expense of such towns or counties: *Provided*, that for the building and maintaining of bridges over streams near county or town lines, in which both are equally interested, the expense of building and maintaining any such bridges shall be borne equally by both counties or towns.

§ 107. [CONTRACTS IN REFERENCE TO SUCH BRIDGES.] For the purpose of building or keeping in repair such bridge or bridges, it shall be lawful for the commissioners of highways of such adjoining towns or counties to enter into joint contracts, and such contracts may be enforced, in law or equity, against such commissioners jointly, the same as if entered into by individuals, and such commissioners may be proceeded against, jointly, by any parties interested in such bridge or bridges, for any neglect of duty in reference to such bridge or bridges, or for any damages growing out of such neglect.

§ 108. [ENFORCMENT OF CONTRACTS.] If the commissioners of highways of either of such towns, after reasonable notice, in writing, from

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the commissioners of highways of any other such towns, shall neglect or refuse to build or repair any such bridge, when any contract or agreement has been made in regard to the same, it shall be lawful for the commissioners so giving notice to build or repair the same, and to recover, by suit, one-half (or such amount as shall have been agreed upon) of the expense of so building or repairing such bridge, with costs of suit and interest from the time of the completion thereof, from the commissioners so neglecting or refusing.

§ 109. [EFFECT OF JUDGMENT ON SUCH CONTRACT.] Any judgment so recovered against the commissioners of highways of either of such towns, shall be a charge on such town, unless the court shall certify that the neglect of (or) refusal of such commissioners was willful or malicious, in which case only such commissioners shall be personally liable for such judgment, and the same may be enforced against them in their personal and individual capacity.

§ 110. [COUNTY AID TO BUILD BRIDGE.] When it shall be necessary to construct or repair any bridge in any town, or to build a bridge over any stream between towns, or over streams on roads between towns in the same county, which would be an unreasonable burden to the same, the cost of which will be more than can be raised in one year by ordinary taxes for bridge purposes in such town, or one of such towns, the commissioners of highways of either town desiring to build such bridge shall present a petition to the county board of the county in which such town or towns is situated, praying for an appropriation from the county treasury to aid in the building constructing and repairing of such bridge, and such county board shall, when one-half the necessary funds have been provided for by the town authorities of either or both such town or towns, appropriate the other half: *Provided*, that all unexpended surplus of any appropriation thay may be granted by the county under the provisions of this section shall be paid back into the treasury. And all funds provided to be raised under this section shall be expended by, and under the joint control of the commissioners of highways, of the town asking such aid, and two persons appointed by the county board of the county granting the same.

§ 111. [VOTE TO BORROW MONEY TO BUILD BRIDGE.] When it shall be necessary to build a bridge in any town which would require a larger sum of money to complete than is authorized to be raised by taxation, under the constitution upon a single year's assessment, the the commissioners of highways shall petition the supervisor of the town, to call a special town meeting to vote on the proposition "to borrow money to build a bridge," which said petition shall be signed by said commissioners in their official capacity, and by at least twenty-five freeholders of such town, and thereupon such petition shall be filed in the office of the town clerk of such town. Upon the filing of said petition, the supervisor shall order the town clerk, by an instrument in writing to be signed by him, to post up in four of the most public places in said town, notices of such special town meeting; which notice shall state the object, time and place of meeting, and the manner in which the voting is to be had, which shall be invari-

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ably by ballot, and shall be "to borrow money to build a bridge," when the voter desires to vote in favor of that proposition, and "against the proposition to borrow money to build a bridge," when the voter desires to vote against said proposition. The special town meeting shall be held and returns thereof made in the same manner as other special town meetings, are now or may hereafter be provided by law; and if it shall appear that a majority of the legal voters voting at said election shall be in favor of said proposition, the supervisor and town clerk, acting under the direction of the commissioners of highways of said town, shall issue from time to time, as the work progresses, a sufficient amount in the aggregate of the bonds of said town for the purpose of building such bridge, said bonds to be of such denominations, bear such rate of interest, not exceeding eight per cent. upon such time, and be disposed of as the necessities and conveniences of said town officers require: *Provided*, that said bonds shall not be sold or disposed of for less than their par value, and such town shall provide for the payment of such bonds and the interest thereon by appropriate taxation.

§ 112. [RE-SURVEY AND PLAT OF ROADS.] Upon the petition of twelve legal voters, it shall be the duty of the commissioners of highways of each town, within a reasonable time, to employ a competent surveyor, and have any road or roads designated in such petition in their several towns re-surveyed, and plats thereof made, which plats and surveys shall be by them filed for record in the office of the town clerk: *Provided*, that this section shall not apply where the same has been already done, unless the exact location of such road is uncertain.

§ 113. [NEW ROAD NOT TO VACATE OLD ROAD, UNLESS, ETC.] The establishment of a new road on the route of a road already established according to law, shall not vacate the road previously established, unless such vacation is prayed for in the petition, and so declared in the order establishing the new road.

§ 114. [CONTRACT FOR BRIDGES.] The commissioners of highways of the several towns are hereby authorized to contract for the building and repairing of bridges in their respective towns, and they may let such contracts by a public letting to the lowest responsible bidder, upon proper notice being given by posting copies of such notice in at least three (3) public places in their town, not less than ten (10) days before the time of such public letting, or if they deem it to be to the interest of their town, they may, to an amount not exceeding twenty-five dollars, ($25), privately contract with persons, as they shall deem best for putting bridges in good repair; but in no case shall such contracts exonerate such commissioners from liability for failure to keep such bridges in repair.

§ 115. [ORDERS RECEIVED FOR TAX.] *Provided*,—that the collector of taxes shall receive from any tax payer, in payment of said tax-payers road and bridge tax, any order of the commissioners of highways, on their treasurer, for work done on or material furnished for the construction or repairs of the highways or bridges, in any sum not to exceed the amount of such person's road and bridge tax then due.

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§ 116. [REMOVAL OF FENCES.] Whenever a public road is ordered to be established or altered, according to the provisions of this act, which road shall pass through or on enclosed land, the commissioners of highways shall give the owner or occupant of such land sixty days notice in writing to remove his fences. If such owner or occupant does not remove his fence within sixty days after such notice the commissioners shall cause the same to be removed, and direct the road to be opened and worked, and such owner shall forfeit to such commissioners the sum of one dollar for every day he shall permit his fence to remain after the expiration of the said sixty days, and shall pay all necessary cost of removal, to be collected by said commissioners before any justice of the peace having jurisdiction.

§ 117. [COMPENSATION OF COMMISSIONERS.] The commissioners of highways shall receive for their services the sum of one dollar and fifty cents ($1.50) per day for each day necessarily employed in the performance of their duties, the same to be audited by the town auditors and paid out of the town funds.

§ 118. [ROAD TO BE OPENED IN FIVE YEARS.] All highways laid out by order of the commissioners or supervisors, on appeal, shall be opened within five years from the time of laying out the same. If not opened within the time aforesaid the same shall be deemed to be vacated.

§ 119. [TAX TO BE COLLECTED IN MONEY.] The highway commissioners of each town shall, annually, ascertain, as near as practicable, how much money must be raised by tax on real and personal property for the making and repairing of bridges, the payment of damages by reason of the opening, altering, and laying out of new roads, the purchase of the necessary tools, implements and machinery for working roads; the purchase of the necessary material for building or repairing roads and bridges, the pay of the overseers of highways during the ensuing year; commencing on Tuesday next preceding the annual town meeting, which tax shall be extended on the tax books, according to the assessment of the previous year; and shall levy a tax on all the real and personal property in said town, not exceeding forty cents on the one hundred dollars; and they shall give to the supervisor of the township, and in Cook county to the county board, a statement of the amount necessary to be raised, and the rate per cent, of taxation, signed by said commissioners, or a majority of them, on or before the Tuesday next preceeding the annual September meeting of the board of supervisors, or the county board of Cook county, who shall cause the same to be submitted to said board for their action at such September meeting of said board. *Provided*, that if the commissioners of highways, or any three legal voters, shall give notice, by posting notices in at least three of the most public places of the town, at least ten days before the annual town meeting, that a larger amount of money will be required for the purpose of constructing or repairing roads or bridges in their town than, can be realized from the real and personal property tax authorized by law, to be assessed by the commissioners, the legal voters present at such meeting may authorize an additional amount to be raised by tax, not exceeding forty cents on each one hundred dollars valuation, and said board shall cause the same to be extended on the tax books.

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§ 120. [How tax extended and collected.] According to the amount certified as aforesaid, the county clerk, when making out the tax books for State and county taxes for the collector, shall extend the necessary tax in a separate column against each tax payer's name, or taxable property, as other taxes are extended, which shall be collected the same as state and county taxes.

§ 121. [Certificate of tax levied.] It shall be the duty of the county clerk to make out and deliver to the treasurer of the commissioners of highways, a certificate of the aggregate amount of tax so levied and placed upon the tax books.

§ 122. [Tax paid to treasurer of commissioners, except, ect.] The tax so collected shall be paid to the treasurer of the commissioners of highways, by the collector, as fast as the same is collected, except such rate per cent. as shall be allowed for collecting the same. *Provided*, that the commissioners of highways may, in their discretion, expend such funds upon roads and bridges at any place within their respective town; but when expended within the limits of any incorporated town, city or village, the same shall be done by and with the consent of the corporate authorities.

§ 123. [List of tax-payers to be furnished clerk.] The commissioners of highways shall furnish to the clerk of the county court previous to the first day of October in each year, a list of tax-payers (alphabetically arranged) of each district.

§ 124. [Repeal.] That an act entitled "An act in regard to roads and bridges," approved May 26, 1877, and in force July 1, 1877 so far as the same relates to counties under township organization, and also all other acts or parts of acts inconsistent herewith, be and the same are hereby repealed. *Provided*, that the repeal of said act shall not affect any suit or proceeding pending, or impair any right existing at the time this act shall take effect.

Approved May 28th, 1879.

DESTRUCTION OF NOXIOUS WEEDS.

§ 1. Cockle burr weeds, etc., to be destroyed. | § 2 Penalty for failing to comply.

An Act *requiring the destruction of the cockle-burr weed or plant. Approved May* 31, 1879. *In force July* 1, 1879.

Section 1. [Cockle-burr weed; etc., to be destroyed.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, The commissioners of highways in their respective towns, shall be required to destroy, or cause to be destroyed, all cockle-burr weeds or plants, before coming to maturity, that may be or grow in the highways of such town.

§ 2. [Penalty for failing to comply, etc.] The commissioners of highways, failing to comply with the provisions and requirements of section one of this act, shall be liable to a fine, of not less than five dollars nor more than twenty-five dollars for such offense, to be recovered in any proper form of action, before any justice of the peace in the county where such offense was committed, such fine when collected, to be paid to the treasurer of the highway commissioners in the town where the offense was committed, to be used as road money in such town.

Approved May 31st, 1879.

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SCHOOLS.

DIRECTORS—SCHOOL.

§ 1. School directors.
§ 2. Imitation how appointed.
§ 3. Organization of board—powers, duties.
§ 4. Certificate of tax.

AN ACT *to provide for the appointment of School Directors, and members of the Board of Education in certain cases. Approved May* 29, 1879. *In force July* 1, 1879.

§ 1. [SCHOOL DIRECTORS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That in all cases whereby the provisions of any general or special law of this State heretofore passed, the members of the common council of any city have been made ex-officio school directors, or members of the board of education in and for the school district of which the said city shall constitute the whole or a part, the said school directors or members of the board of education shall hereafter be appointed as hereinafter provided

§ 2. [HOW APPOINTED.] It shall be the duty of the mayor of such city at the regular meeting of the city council in the month of July, 1879, to nominate and place before the council for confirmation as school directors, or members of the board of education as the case may be, two persons from each ward of said city, one from each ward to serve for two years, and one for one year, and annually thereafter he shall nominate one from each ward to serve for two years, and if the person so appointed shall be confirmed by a majority vote of the city council, to be entered of record, the persons so appointed shall constitute the board of education, or school directors for such school district. Should the council fail to confirm any person or persons nominated by the mayor at such meeting, he may at the next, or any subsequent meeting, nominate other persons for confirmation, as hereinbefore provided, and should a vacancy or vacancies occur in any board of education or school directors the mayor may at any regular meeting of the city council fill such vacancy or vacancies in the manner above set forth.

§ 3. [ORGANIZATION OF BOARD—POWER, DUTIES.] The said persons shall as soon as practicable after their appointment, organize by electing one of their number president, and another secretary, who shall hold their respective offices for one year. All rights, powers and duties heretofore exercised by and devolved upon the members of the city council as ex-officio members of the board of education or school directors, shall devolve upon and be exercised by the members of the board of education and school directors, appointed under the provisions of this act.

§ 4. [CERTIFICATE OF TAX—LIMITATION.] In all school districts to which this act shall apply, the boards of education or school directors shall annually, before the first day of August, certify to the city coun-

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cil under the hands and seals of the president, and secretary, of the board, the amount of money required to be raised by taxation for school purposes in said district for the ensuing year, and the said city council shall thereupon cause the said amount to be levied and collected in the same manner now provided by law for the levy and collection of taxes for school purposes in such district, but the amount to be so levied and collected shall not exceed the amount now allowed to be collected for school purposes by the general school laws of this state; and when such taxes have been collected and paid over to the treasurer of such city or school district as may be provided by the terms of the act under which such district has been organized, such funds shall be paid out only on the order of the board of education or school directors, signed by the president and secretary of such board.

APPROVED May 29th, 1879.

DISTRICTS—SCHOOL.

§ 33. Division into districts—map—alteration.

AN ACT *to amend section thirty-three* (33) *of an act entitled "An act to amend sections* 24, *and* 33 *of an act entitled "An act to establish and maintain a system of free schools," approved April* 1, 1872, *approved May* 23, 1877, *in force July* 1, 1877. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section thirty three (33) of said act be so amended as to read as follows:

§ 33. [DIVISION INTO DISTRICTS—MAP—ALTERATIONS.] Trustees of schools in newly organized townships, shall lay off the township into one or more districts, to suit the wishes and convenience of a majority of the inhabitants of the township, and shall prepare or cause to be prepared, a map of the township, on which map shall be designated the district or districts to be styled, when there are more than one District, No. . . , in Township No. . . . , Range . . , of the . . P. M., (according to the proper numbers), county of . . . , and State of Illinois, which districts they may change at the regular meeting, in April upon the following conditions.

First, Upon petition of a majority of the legal voters of each of the districts affected by the proposed change, the trustees of a township may change the boundaries of any district lying wholly therein, or establish a new district or districts out of said territory, as the case may be.

Second, Upon a like petition, school districts may be formed out of parts of two or more townships or fractional townships, or a part of

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a district lying in one township, may be added to a district lying in another township, in which case, the trustees of schools of said townships, shall concur in the formation of such districts.

Third, Upon petition of two thirds of all the voters in any territory containing not less than five families, representing that they are not properly accommodated with school privileges, but will be by being added to another district, or formed into a new district, and upon petition of a majority of the voters of such other district, if any, the trustees of the township or townhips, in which such territory or territory and district, are situated, may set off such territory. *Provided*, that when any territory set off or new district formed as aforesaid contains territory taken from a district having a bonded debt, such district shall remain liable for the payment of such bonded debt as if not divided. The directors of the original district having such bonded debt and of the district into which the territory taken from such original district has been incorporated or formed, shall constitute a joint board for the purpose of determining and certifying and they shall determine and certify to the county clerk, the amount of tax required yearly for the purpose of paying the interest and principal of such bonded debt, which tax shall be extended by the county clerk against all the property embraced within such original district, as if it had not been divided.

Fourth, Upon petition of a majority of the voters of a district composed of parts of two or more townships, it shall be the duty of each of the boards of trustees of the several townships to provide for so much of the territory of said district, as lies within their respective townships, by annexing said territory to a district, or to districts already formed, or by the creation of a new district or districts, which shall include said territory.

Fifth, Upon petition of a majority of the voters of any district organized under a special act, and of the voters of other districts affected by the proposed change, trustees of township or townships in which such district is situated may change the boundaries of such district.

Sixth, The board of school trustees are hereby granted discretionary powers in the matter of changing the boundaries of school districts, and in creating new districts, when petitioned as hereinbefore provided: *Provided*, that such petitioners or a majority of the legal voters of such districts to be affected or either of them, not signing such petition, shall have the right to appeal, from the decision of said board, within ten days from the date of the action of said trustees, to the county superintendent of schools, and when an appeal is taken the appellants shall file written notice thereof, with the township treasurer, who shall within five days thereafter, transmit all the papers in the case with a transcript of the records of the trustees, showing their action thereon to the county superintendent, and in case of an appeal the township treasurer, shall be required to take no further action in the matter, except upon the order of the county superintendent, whose duty it shall be to investigate the case upon such appeal, and if in his opinion the change asked is for the best interests of the dis-

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trict or districts concerned, he shall order the trustees to make such change or changes, and his action, shall be final and binding. *Provided*, also, that if the changes asked by the petitioners shall be ordered by the county superintendent, it shall be the duty of the treasurer to make the records and maps required by law, and return the same to the county clerk, and in case a new district is organized by the action of the county superintendent, to order an election of directors in the new district within fifteen days, thereafter the same, as if the change had been made by the board of trustees.

Seventh, When the trustees of schools shall organize a new district under the provisions of this section, it shall be their duty before the meeting at which the new district or districts shall have been organized, adjourns to order an election to be held, if no appeal is taken, within fifteen days after the time allowed for an appeal, shall have expired, at some convenient time and place, within the boundaries of such newly organized district, for the election of three school directors, notice being given by the township treasurer, who shall post up three notices of such election in three prominent places in said district, at least ten days prior to the time appointed for holding such election, which notices shall specify the place where such election is to be held, the time for opening and closing the polls, and object of said election. It shall be the duty of the legal voters present, five of whom shall constitute a quorum, to appoint three of their number, two of whom shall act as judges, and one as clerk of said election. Within ten days after the election, it shall be the duty of the directors elected at said election, to meet at some convenient time and place, previously agreed upon by said directors, and organize as a district board, by appointing one of their number president, and also some suitable person clerk of the board, who shall, by virtue of his office, be clerk of the district. At this first meeting of the directors, they shall draw lots for their respective terms of office for one, two and three years, each of which shall be considered a fractional term, ending at each annual meeting, according to the length of term drawn.

Eighth, Whenever any changes, as provided in this section, are made, trustees of schools shall prepare, or cause to be prepared, a map of their township showing the districts accurately; which map shall be certified by the president and clerk of the board, and filed with and recorded by the county clerk in a book kept for that purpose, to be paid for out of the county treasury, when a new district is formed, from a part of a district, the trustees of a township or townships concerned shall proceed forthwith to make a distribution of any tax funds or other funds which are in the hands of the treasurer, or to which the district may, at the time of such division, be entitled; so that both the old and new districts shall receive parts of such funds in proportion to the amount of taxes collected, next preceding such division from the taxable property in the territory composing the several districts. If the new district be composed of parts of two or more districts, the trustees shall make distribution of said funds between the new district and the old districts respectively, so that the new district shall receive a distribution of the funds of each of the old districts in the proportion which the amount of taxes collected from the property

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in the territory of the new district bears to the whole taxes collected, next before the division, in the old district; and the town treasurer shall forthwith place the sums so distributed to the credit of the respective districts, and shall immediately place the proportion of the said funds to which said new districts may be entitled to its credit on his books, and the funds on hand shall be subject at once to the order of the directors of the new district, and those not on hand, as soon as collected. The trustees of the township or townships concerned, shall, at the time of the creation of a new district, or within the period of thirty days thereafter, proceed to the appointment of three appraisers, who shall not be citizens of the township or townships interested. It shall be the duty of said appraisers, within thirty days after their appointment, to appraise the school property, both real and personal, of the district or districts interested, at their fair cash value. Within thirty days after such appraisement, the trustees of the township or townships concerned, shall proceed to charge the property to the district in which it may be found, and to credit the other district interested therein with its proportion of such valuation: *Provided*, that the *bona fide* debts, if any, of the old district, shall first be deducted and the balance charged and credited as aforesaid, and of the funds then on hand, or subsequently to accrue, belonging to such district to which such property is charged, the trustees shall direct the treasurer to place to the credit of the district not retaining said property its proportion of the value of said property. If trustees shall fail to observe the provisions of this section in reference to distribution of funds and property, they shall be individually and jointly liable to the district interested, in an action on the case, to the full amount of the damages sustained by the district aggrieved. When trustees have heretofore failed to make distribution of property to districts as provided in this section, any district interested in the making of such distribution may, by its directors, request the trustees, in writing, to proceed to make such distribution; and said trustees shall proceed to make distribution in the manner herein prescribed, and shall be liable in like manner for neglect or failure. When the trustees make any changes in district boundaries, whether by division, consolidation or otherwise, within ten days after the time for an appeal has expired, if no appeal has been taken, and when upon appeal, the county superintendent has ordered any such change within ten days after the order is made by the county superintendent, the township treasurer, shall make a full record thereof, in the record book of the trustees, and file a copy of said record, together with a new map of the township, and a list of the taxpayers resident in each of the newly arranged districts, in the office of the county clerk. Compliance with these requirements, within the said period of ten days, is hereby made essential to the validity of any alterations of district boundaries.

APPROVED May 31st, 1879.

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FREE SCHOOLS—AMENDMENTS.

§ 7. Report of governor.
§ 14. Book to be kept.
§ 17. Report to State superintendent—penalty for neglect.
§ 20. County superintendent to visit schools—advice—decision.
§ 22. Sale of land taken for debt.
§ 30. Poll book—copy, evidence—penalty for failure to return.
§ 32. Regular and special meetings—terms of office—records.
§ 35. Transfer of pupils—separate schedule—high school.
§ 36. Statement to county superintendent.
§ 42. School directors—election—term of office—duties.
§ 43. District school tax—surplus fund for libraries, etc.
§ 44. Certificate of special tax.
§ 45. County clerk to compute tax.
§ 47. Borrowing money—limit—tax—bonds—registration.
§ 48. Corporate name of directors—quorum—liability—duties—not to remove school houses, etc, except.
§ 51. Examination of teachers—notice.
§ 52. Teachers—qualifications—when pay allowed, etc,
§ 53. Schedules—form—certificate.
§ 54. Schedules delivered to township treasurer—school month—lost time.
§ 55. Duties of township treasurer—bond.
§ 57. Loans—securities.
§ 63. Treasurer to account semi-annally to trustees.
§ 67. Payment from funds on order of directors.
§ 79. Not to affect schools in certain cities—duties of board of education.

AN ACT *to amend an act entitled "An act to establish and maintain a system of Free Schools," approved April* 1, 1872; *and section forty-seven* (47) *of said act as amended by an act approved May* 11, 1877. *Approved June* 3, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That sections seven (7), fourteen (14), seventeen (17), twenty (20). twenty-two (22), thirty (30), thirty-two (32), thirty-five (35), thirty-six (36), forty-two (42), forty-three (43), forty-four (44), forty-five (45), forty-seven (47), as amended, forty eight (48), fifty-one (51), fifty-two (52), fifty-three (53), fifty-four (54), fifty-five (55), fifty-seven (57), sixty-three (63), sixty-seven (67), and seventy-nine (79) of the aforesaid act, be amended to read as follows:

§ 7. [REPORT TO GOVERNOR.] Said State Superintendent shall, on or before the first day of November preceding each regular session of the General Assembly, report to the Governor the condition of the schools in the several counties of the State; the whole number of schools which have been taught in each county in each of the preceding years, commencing on the first of July; what part of said number have been taught by males exclusively, and what part by females exclusively; what part of said whole number have been taught by males and females at the same time, and what part by males and females at different periods; the number of scholars in attendance at said schools; the number of persons in each county under twenty-one years of age, and the number of such persons between the ages of twelve and twenty-one years that are unable to read and write; the amount of township and county funds; the amount of the interest of the State or common school fund, and of the interest of the township and the county fund annually paid out; the amount raised by an *ad valorem* tax; the whole amount annually expended for schools; the number of school houses, their kind and condition; the number of townships and parts of townships in each county; the number and description of books and apparatus purchased for the use of schools and school libraries under the provisions of this act, the price paid for the same, and total amount purchased, and what quantity and how distributed; and the number and condition of the libraries, together with such other information and suggestions as he may deem import-

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ant in relation to the school laws, schools, and the means of promoting education throughout the State; which report shall be laid before the General Assembly at each regular session.

§ 14. [BOOKS TO BE KEPT.] The said superintendent shall provide three well bound books which shall be paid for from the county treasury. These books shall be known and designated by the letters A, B, C, for the following purposes: In book "A" he shall record, at length, all petitions presented to him for the sale of common school lands, and the plats and certificates of valuation made by or under the direction of the trustees of schools, and the affidavits in relation to the same. In book B, he shall keep an account of all sales of common school lands; which account shall contain the date of sale, name of purchaser, description of land sold, and the sum sold for. In book C, he shall keep a regular account of all moneys received for lands sold, or otherwise, and loaned or paid out; the person of whom received, and on what account, and showing whether it is principal or interest; the person to whom loaned, the time for which the loan was made, the rate of interest, the names of the securities when personal security is taken, or, if real estate is taken as security, a description of said real estate, and if paid out, to whom, when, and on what account, and the amount paid out; the list of sales and the accounts of each township fund to be kept separate. The county superintendent shall report in writing to the county board, at their regular meeting in September each year, giving first, the balance on hand at the time of the last report, and a statement in detail of all receipts since that date, and the sources from which they were derived; second, the amount paid for expenses; third, the amount of his commissions; fourth, the amount distributed to each of the township treasurers in his county; fifth, any balances on hand. He shall also present for inspection at the same time his books and all notes or other evidences of indebtedness which he holds officially with the securities for the same; and he shall give in writing a statement of the condition of the county fund and of any township funds of which he may have the custody.

§ 17. [REPORT OF STATE SUPERINTENDENT—PENALTY FOR NEGLECT.] On or before the fifteenth day of August before each regular session of the General Assembly, or annually, if so required by the State superintendent, the county superintendent shall communicate to said State superintendent all such information and statistics upon the subject of schools in his county as the said State superintendent is bound to embody in his report to the Governor, and such other information as the State superintendent shall require; and any county superintendent so failing or refusing to report, shall be liable to removal by the county board for such neglect of duty.

§ 20. [COUNTY SUPERINTENDENT TO VISIT SCHOOLS—ADVICE—DECISION.] It shall be the duty of the county superintendent, if so directed by the county board, to visit, at least once in each year, every school in his county, and to note the methods of instruction, the branches taught, the text books used, and the discipline, government and general condition of the schools. He shall give such directions in the science, art and methods of teaching as he may deem expedient

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and necessary, and shall be the official adviser and constant assistant of the school officers and teachers of his county, and shall faithfully carry out the advice and instruction of the State superintendent. He shall encourage the formation and assist in the management of county teachers institutes, and labor in every practicable way to elevate the standard of teaching and improve the condition of the common schools of his county. In all controversies arising under the school law, the opinion and advice of the county superintendent shall first be sought, whence appeal may be taken, to the State superintendent, upon a written statement of facts, certified by the county superintendent. He shall at least once each year, examine all books, accounts, and vouchers of each township treasurer in his county; and if he find any irregularities in them he shall at once report the same in writing to the board of trustees, whose duty it shall be to take immediately such action as the case demands. He shall also examine all notes, bonds, and mortgages, and other evidences of indebtedness which the township treasurer holds officially; and if he find that the papers are not in proper form, or that the securities are insufficient, he shall so state in writing to the board of trustees, whose duty it shall be to take at once such action as is necessary to save and protect the property of the districts and the townships; and for a failure or refusal to take such action within twenty days after such notice, the members of the board, each in his individual capacity, shall be liable to a fine of not less than twenty-five dollars ($25), nor more than one hundred dollars ($100.00), to be recovered before any justice of the peace, on information in the name of the People of the State of Illinois, *provided* such insufficiency is proven, and when collected, to be paid to the county superintendent of the proper county, for the use of schools; and the payment of this fine shall not relieve the board of trustees from their liability under the seventy-third (73) section of this act.

§ 22. [SALE OF LAND TAKEN FOR DEBT.] When any real estate shall have been taken for debts due to any school fund, the title to which real estate has become vested in any county superintendent for the use of the inhabitants of one or more townships or of the county, the county superintendent may lease or sell such real estate for the benefit of said township or townships, or of the county under the provisions of section No. forty-one (41) of this act regulating the leasing and sales of land by school trustees. *Provided*, that in case the real estate be held for the benefit of any township or townships, it shall not be sold except upon the written request of school trustees of said township or townships; and the said superintendent is hereby authorized to execute conveyances to purchasers.

§ 30. [POLL-BOOK—COPY, EVIDENCE—PENALTY FOR FAILURE TO RETURN.] Upon the election of trustees of schools, the judges of the election shall, within ten (10) days thereafter, cause a copy of the poll book of said election to be delivered to the county superintendent of the county, with a certificate thereon, showing the election of said trustees and names of the persons elected; which copy of the poll book with the certificate, shall be filed by said superintendent and shall be evidence of such election. For failure to deliver such copy of poll book and certificate within the time prescribed, the judges

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shall be liable to a penalty of not less than twenty-five dollars ($25,00) nor more than one hundred dollars ($100), to be recovered in the name of the People of the State of Illinois, by action of assumpsit before any justice of the peace of the county; which penalty when collected shall be added to the township fund of the township. When school trustees are elected at town meetings as provided in section twenty-seven of this act, it shall be the duty of the county clerk, as soon as the list of the names of officers elected at the town meetings, is filed with him, to give the county superintendent a list of the names of all school trustees elected at the town meetings in the county.

§ 32. [REGULAR AND SPECIAL MEETINGS—TERMS OF OFFICE—RECORDS.] It shall be the duty of the board of trustees, to hold regular semi-annual meeetings on the first Mondays of April and October, and special meetings may be held at such other times as they may think proper. Special meetings of the board may be called by the president or any two members thereof; and at all meetings, two members of the board shall be a quorum for business. Within ten days after the annual election of trustees, the board shall organize by appointing one of their number president, and some person, who shall not be a director or trustee, and who shall be a resident of the township, treasurer, if there be a vacancy in this office, who shall be *ex-officio* clerk of the board. The president shall hold his office for one year, and the treasurer for two years, and until their successors are appointed; but either of said officers may be removed by the board for good cause. It shall be the duty of the president to preside at the meetings of the board; and it shall be the duty of the clerk to be present at all meetings of the board, and to record, in a book to be provided for the purpose, all their official proceedings, which shall be a public record, open to the inspection of any person interested therein; and all of said proceedings, when recorded, shall be signed by the president and clerk. If the president or clerk shall be absent or refuse to perform any of the duties of his office, at any meeting of the board, a president or clerk, *pro tempore* may be appointed.

§ 35. [TRANSFER OF PUPILS—SEPARATE SCHEDULE—HIGH SCHOOL.] Pupils shall not be transferred from one district to another without the written consent of a majority of the directors of both districts which written permits shall be delivered to and filed by the proper township treasurer, and shall be evidence of such consent. A separate schedule shall be kept for each district, and in each schedule shall be certified the proper amount due the teacher from that district, computed upon the basis of the total number of days attendance of all the schedules [scholars.] If the district from which the pupils are transferred is in the same township as the district in which the school is taught, the directors of said district shall deliver the separate schedule to their township treasurer, who shall credit the district in which the school was taught, and charge the other districts with the respective amounts certified in said separate schedules to be due. If pupils are transferred from a district of another township, the schedule for that district shall be delivered to the directors thereof, who shall immediately draw an order on their treasurer, in favor of the treasurer of the

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township in which the school was taught, for the amount certified to be due in said separate schedule. When a school is composed in part of pupils transferred from other townships, the duty of collecting the amount due on account of such pupils shall devolve upon the directors. Upon petition of fifty voters of any school township, filed with the township treasurer at least fifteen days preceding a regular election of trustees, it shall be the duty of said treasurer to notify the voters of the township that an election "For" and "Against" a high school will be held at the next ensuing election of trustees, and the ballots to such effect shall be received and canvassed at such election; and if a majority of the votes at such election shall be found to be in favor of a high school, it shall be the duty of the trustees of the township to establish, at some central point most convenient for the majority of the pupils of the township, a high school, for the education of the more advanced pupils. For the purpose of building a school house, supporting the school, and other necessary expenses, the township shall be regarded as a school district, and the trustees shall have the power and discharge the duties of directors for such district in all respects: *Provided*, that in like manner the voters and trustees of two or more adjoining townships, or parts of townships, may co-operate in the establishment and maintenance of a high school, on such terms as they may by written agreement made by the board of trustees, enter into. *And provided, further*, that when any township, or parts of townships, shall have organized a high school, and wish to discontinue the same, upon petition of fifty voters of said township, or parts of townships filed with the township treasurer at least fifteen (15) days preceeding a regular election of trustees it shall be the duty of said treasurer to notify the voters of the township that an election will be held to discontinue the high school at the next ensuing election of trustees, and the ballots cast "for" or "against" the continuance of the high school shall be received and canvassed at such election; and if a majority of the votes at such election shall be found against continuing the high school, it shall be the duty of the trustees to discontinue the same, and turn all the assets of the high school over to the school fund of said township, to be used as any other township fund for school purposes.

§ 36. [STATEMENT OF COUNTY SUPERINTENDENT.] The board of trustees of each township in this State shall prepare, or cause to be prepared, by the township treasurer, the clerk of the board, the directors of the several districts, or other person, and forwarded, to the county superintendent of the county in which the township lies, on or before the 15th day of July, preceding each regular session of the General Assembly of this State, and at such other times as may be required by the county superintendent, or by the State Superintendent of Public Instruction, a statement exhibiting the condition of schools in their respective townships for the preceding biennial period, giving separately each year, commencing on the first of July, and ending on the last of June; which statement shall be as follows:

First.—The whole number of schools which have been taught in each year; what part of said number have been taught by males exclusively; what part have been taught by females exclusively; what

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part of said whole number have been taught by males and females at the same time, and what part by males and females at different periods.

Second.—The whole number of scholars in attendance at all the schools, giving the number of males and females separately.

Third.—The number of male and female teachers, giving each separately; the highest, lowest and average monthly compensation paid to male and female teachers, giving each item separately.

Fourth.—The number of persons under twenty-one years of age, making a separate enumeration of those above the age of tweve years who are unable to read and write, and the cause or causes of the neglect to educate them.

Fifth.—The amount of the principal of the township fund; the amount of the interest on the township fund paid into the township treasury; the amount raised by *ad valorem* tax, and the amount of such tax received into the township treasury, and the amount of all other funds received into the township treasury.

Sixth.—Amount paid for teachers wages; the amount paid for school house lots; the amount paid for building, repairing, purchasing, renting and furnishing school houses; the amount paid for school apparatus, for books and other incidental expenses for the use of school libraries; the amount paid as compensation to township officers and others.

Seventh.—The whole amount of the receipts and expenditures for school purposes, together with such other statistics and information in regard to schools as the state superintendent or county superintendent may require. And any township from which such report is not received in the manner and time required by law, shall forfeit its portion of the public fund for the next ensuing year: *Provided*, that upon the recommendation of the county superintendent, or for good and sufficient reasons, the state superintendent may remit such forfeiture.

§ 42. [SCHOOL DIRECTORS—ELECTION—TERM OF OFFICE—DUTIES.] The annual election of school directors shall be on the third Saturday of April, when one director shall be elected in each district, who shall hold his office for three years, and until his successor is elected. In new districts the first election may be on any Saturday, notice being given by the township treasurer, as for the election of trustees, when three directors shall be elected, who shall, at their first meeting, draw lots for their respective terms of office, for one, two and three years, when vacancies occur, the remaining director or directors shall without delay, order an election to fill such vacancies; which election shall be held on Saturday. Notices of all elections in organized districts shall be given by the directors, at least ten days previous to the day of said election. Said notices shall be posted in at least three of the most public places in the district, and shall specify the place where such election is to be held, the time of opening and closing the polls, and the question or questions to be voted on. Should the directors

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fail or refuse to order any regular or special election as aforesaid, it shall be the duty of the township treasurer to order such election; and if he fails to do so, then it shall be the duty of the county superintendent to order such election of directors within ten days, in each case of such failure or refusal; and the election held in pursuance of such order shall be valid, the same as if ordered by the directors. Two of the directors ordering the election shall act as judges, and one as clerk of said election. But if said directors, or any of them, shall fail to order an election, to attend, or refuse to act when present, and in unorganized districts, the legal voters when assembled, shall choose such additional number as may be necessary to act as two judges and a clerk of said election: *Provided*, that if upon the day appointed for said election the said directors or judges shall be of opinion that, on account of the small attendance of voters, the public good requires it, or if the voters present, or a majority of them, shall desire it, they shall postpone said election until the next Saturday, at the same place and hour, when the voters shall proceed as if it were not an adjourned meeting: *And provided, also*, that if notice shall not have been given as above required, then said election may be ordered as aforesaid, and holden on the third Saturday in April, or any other Saturday, notice thereof being given as aforesaid. In case of a tie, the judges shall decide it by lot on the day of election. The directors, within ten days after the annual election of directors, shall meet and organize by appointing one of their number president and another of their number clerk, who shall keep a record of all the official acts of the board in a well bound book provided for the purpose, which record shall be signed by the president and clerk, and shall be submitted to the township treasurer for his inspection and approval, on the first Mondays of April and October, and at such other times as the township treasurer may require. The board of directors shall hold regular meetings at such times as they shall designate; and they may hold special meetings, as occasion may require, at the call of the president or any two members, and no official business shall be transacted by the board except at a regular or special meeting. If the president or clerk be absent from any meeting, or refuse to perform his official duties, a president or clerk *pro tempore* shall be appointed. The clerk of each board of school directors shall report to the township treasurer or treasurers of the proper township or townships, immediately after the organization of the board, the names of the president and clerk, and on or before the seventh day of July, annually, such statistics and other information in relation to the schools of their respective districts, as the township treasurer is required to embody in his report to the county superintendent, and the particular statistics to be so reported, shall be determined and designated by the State Superintendent of Public Instruction. At the annual election of director, the directors shall make a detailed report of their receipts and expenditures to the voters there present, a copy of which shall be transmitted to the township treasurer within five days of the time of said election. They shall also report the number and names of persons above the age of twelve years and under twenty-one, residing in the district, who are unable to read and write, and the causes of the neglect to educate them. Directors are authorized to use any funds belonging to

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their district, and not otherwise appropriated, for the purchase of a suitable book for their records, and the said records shall be kept in a punctual, orderly and reliable manner. They may also, where they deem the amount of labor done, sufficient to justify it, allow out of such funds a compensation to said clerk for duties actually performed. Within ten days after every election of directors the judges shall cause the poll book to be delivered to the township treasurer, with a certificate thereon, showing the election of said directors and names of the persons elected; which poll book shall be filed by the township treasurer, and shall be evidence of said election. In the case of a union district made up of parts of two or more townships the poll book shall be returned to the township treasurer, who receives the tax money of said district. For failure to deliver said poll book within the time prescribed, the judges shall be liable to the same penalty as is prescribed in section thirty (30) which penalty may be recovered in the same manner as is provided in said section, and when collected, shall be added to the district funds. If any trustee or director shall not be an inhabitant of the district or township which he represents, an election shall be ordered to fill the vacancy; and no person shall be at the same time a director and trustee, nor shall a director or trustee be interested in any contract made by the board of which he is a member.

§ 43. [DISTRICT SCHOOL TAX—SURPLUS FUND FOR LIBRARIES, ETC.] For the purpose of establishing and supporting free schools for not less than five nor more than nine months in each year, and defraying all the expenses of the same, of every description; for the purpose of repairing and improving school houses; of procuring furniture, fuel, libraries and apparatus, and for all other necessary incidental expenses in each district, village or city, anything in any special charter to the contrary notwithstanding, the directors of such district and the authorities of such village or city shall be authorized to levy a tax, annually, upon all the taxable property of the district, village or city, not to exceed two per cent. for educational, and three per cent. for building purposes, to be ascertained by the last assessment for State and county taxes. They may also appropriate to the purchase of libraries and apparatus, any surplus funds, after all necessary school expenses are paid. And when any school district shall own any personal property not needed for school purposes, the directors of such district may sell such property at public or private sale, as in their judgment will be for the best interest of the district, and the proceeds of such sale shall be paid over to the treasurer of such district for the benefit of said school district: *Provided*, no such sale shall be made until the same, and the manner and terms thereof shall be authorized by vote of the district.

§ 44. [CERTIFICATES OF SPECIAL TAX.] The directors of each district shall ascertain, as near as practicable, annually, how much money must be raised by special tax for school purposes during the ensuing year which amount shall be certified and returned to the township treasurer, on or before the first Tuesday of August, annually. The certificate of the directors may be in the following form, viz:

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"We hereby certify that we require the amount of to be levied as a special tax for school purposes, on the taxable property of our district, for the year 18 .

Given under our hands this day of 18 .

A. B. } Directors district No. . . , township
C. D. } No. . , range, . . No. . , county
E. F. } of . . . , State of Illinois."

It shall be the duty of the township treasurer to return said certificates to the county clerk on or before the second Monday of August; and whenever the boundaries of the districts of the township shall have been changed, the township treasurer shall return to the county clerk, with the certificates, a map of the township showing such changes, and certified as required in the thirty-third section of this act. When a district lies partly in two or more counties, the directors shall determine and certify the amounts to be levied on the taxable property lying in each county, and return the same to the county treasurer, who shall return them to the respective county clerks, as hereinbefore provided: *Provided*, that in order to determine the amount to be levied on the taxable property of the part of the district lying in each county, the directors shall ascertain from the county clerks of the respective counties in which such district lies, the last ascertained equalized value of the taxable property of such district lying in their respective counties and shall then ascertain the rate per cent. required, and shall apportion the whole amount to be raised between the several parts of the district so lying in different counties, accordingly. And it shall be the duty of the county clerk of each county, to deliver to the directors of such district, on their application a certificate showing the last ascertained equalized value of the taxable property in that part of such district lying in such county.

§ 45. [COUNTY CLERK TO COMPUTE TAX.] According to the amount certified as aforesaid, the said county clerk when making out the tax-books for the collector, shall compute each taxable persons tax in said district, upon the total amount of taxable property as equalized by the State Board of Equalization for that year, lying and being in said district whether belonging to residents or non-residents, and also each and every tract of land assessed by the assessor, which lies, or the largest part of which lies in said district. The said county clerk shall cause each persons tax so computed to be set upon the tax book to be delivered to the collector for that year in a separate column, against each tax payers name or parcel of taxable property, as it appears in said collectors book, to be collected in the same manner and at the same time, and by the persons, as State and county taxes are collected. It shall be the duty of assessors, when making assessments of personal property to designate the number of the school district in which each person so assessed resides; which designation shall be made by writing the number of such district opposite each persons assessment of personal property, in a column provided for that purpose in the assessment roll returned by the assessor to the county clerk. It shall be

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the duty of the county clerk to copy said numbers of school districts, as returned by the assessor, into the collectors book, and to extend the school tax on each persons assessment of personal property according to the rate required by the amount designated by the directors of the school district in which such person resides. It is hereby made the duty of the proper officers, in preparing blank books and notices for the use of assessors, to provide columns and blanks for the use of assessors as above described. The computations of each persons tax, and the levy made by the clerk, as aforesaid, shall be final and conclusive: *Provided*, the rate shall be uniform, and shall not exceed that required by the amount certified by the board of directors; and the said county clerk, before delivering the tax book to the collector, shall make out and send by mail to each township treasurer of the respective townships in the county, a certificate of the amount due each district, or fraction of a district in his township, of said tax, so levied and placed upon the tax books, and on or before the first day of April next after the delivery of the tax books containing the computation and levy of said taxes aforesaid, or so soon thereafter as the township treasurer shall present the said certificate of the amount of said tax, and make a demand therefor, the said collector shall pay to said township treasurer the full amount of said tax so certified by the county clerk, or in case any part thereof remains uncollected, said collector shall, in addition to the amount collected, deliver to said township treasurer a statement of the uncollected taxes for each district of such township, taking of the township treasurer his receipt therefor, which receipt shall be evidence, as well in favor of the collector as against the township treasurer; and said treasurer shall enter the amount collected in his books, under the proper heads, and pay the same out as provided for by this act. When a district is composed of parts of two or more townships, the directors shall determine and inform the collectors of said townships and the collector or collectors of the county or counties in which said townships lie, in writing under their hands as directors which of the treasurers of the townships from which their district is formed shall demand and receive the tax money collected by the said collectors as aforesaid.

§ 47. [BORROWING MONEY—LIMIT—TAX — BONDS — REGISTRATION.] For the purpose of building school houses, or purchasing school sites, or for repairing and improving same, the directors, by a vote of the people at an election called and conducted as required in the forty-second (42) section of this act (a majority of the votes cast shall be necessary to authorize the directors to act) may borrow money, issuing bonds, executed by the officers, or at least two members of the board, in sums of not less than one hundred dollars ($100), but the rate of interest shall not exceed eight per cent., nor shall the sum borrowed in any one year, exceed five per cent. (including existing indebtedness) of the taxable property of the district, to be ascertained by the last assessment for the State and county taxes previous to the incurring of such indebtedness nor shall the tax levied in any one year for building school houses, exceed three per cent. of said taxable property, except to pay indebtedness contracted previous to the passage of this act. All bonds authorized to be issued by virtue of the power granted

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by this act, before being so issued, negotiated and sold, shall be registered, numbered, and countersigned by the school treasurer of the township wherein the school house of such district is, or is to be located. Such register shall be made in a "bond register" book to be kept for that purpose, and in this register shall first be entered the record of the election, authorizing the directors to borrow money, and then a description of the bonds issued by virtue of such authority, as to number, date, to whom issued, amount, rate of interest, and when due. All moneys borrowed under authority granted by this section shall be paid into the school treasury of the township wherein the bonds issued therefor are required to be registered and upon receiving said moneys, the treasurer shall deliver the bond or bonds issued therefor, to the parties entitled to receive the same, and shall credit the funds received to the district issuing the bonds, and shall enter in the "bond register," the exact amount received for each and every bond issued, and when any such bonds are paid, the township treasurer shall cancel the same, and shall enter in the "bond register," against the record of such bonds the words, "Paid and cancelled this . . . day of A. D. . . ," filling the blanks with the day, month and year, corresponding with the date of such payment.

§ 48. [CORPORATE NAME OF DIRECTORS—QUORUM—LIABILITY—DUTIES —NOT TO REMOVE SCHOOL HOUSE, ETC., EXCEPT.] The directors of each district are hereby declared a body politic and corporate by the name of "School Directors of District No. . , Township No. . . . , County of . . . , and State of Illinois," and by that name may sue and be sued in all courts and places whatever. Two directors shall be a quorum for business. The directors shall be liable as directors for the balance due teachers, and for all debts legally contracted. They shall establish and keep in operation, for at least one hundred and ten days of actual teaching in each year, without reduction by reason of closing schools upon legal holidays, or for any other cause, and longer if practicable a sufficient number of free schools for the accommodation of all children in the district over the age of six and under twenty-one years, and shall secure to all such children, the right and opportunity to an equal education in such free schools. They shall adopt and enforce all necessary rules and regulations for the management and government of the schools, and shall visit and inspect the same, from time to time, as the good of the schools may require. They shall appoint all teachers, fix the amount of their salaries, and may dismiss them for incompetency, cruelty, negligence, immorality, or other sufficient cause. They shall have power to assign pupils to the several schools. They shall direct what branches of study shall be taught and what text books and apparatus shall be used in the several schools, and strictly enforce uniformity of text books therein, but shall not permit text books to be changed oftener than once in four years. They may suspend or expel pupils for incorrigibly bad conduct, and no action shall lie against them for such expulsion or suspension; and may provide, that children under twelve (12) years of age shall not be confined in school more than four hours daily. It shall not be lawful for a board of directors to purchase or

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locate a school house site, or to purchase, build, or move a school house, or to levy a tax to extend schools beyond nine months, without a vote of the people at an election called and conducted as required in the forty-second section of this act; a majority of the votes cast shall be necessary to authorize the directors to act: *Provided*, that if no one locality shall receive a majority of all the votes cast at such election, the directors may if in their judgment the public interests require it, proceed to select a suitable school house site; and the site so chosen by them, shall, in such case, be legal and valid, the same as if it had been determined by a majority of the votes cast; and the site so selected by either of the methods above provided, shall be the school house site for such district.

§ 51. [EXAMINATION OF TEACHERS—NOTICE.] It shall be the duty of the county superintendents to hold meetings at least quarterly, and oftener if necessary, for the examination of teachers, on such days and at such places in the respective counties as will, in their opinion, accommodate the greatest number of persons desiring such examination. Notice of such meetings shall be published a sufficient length of time, in at least one newspaper of general circulation, the expense of such publication to be paid out of the school fund. The county superintendent shall, in no case, exact or receive any fee for certificates.

§ 52. [TEACHERS—QUALIFICATIONS—WHEN PAY ALLOWED, ETC.] No teacher shall be entitled to any portion of the common school or township fund, or other public fund, or be employed to teach any school under the control of any board of directors of any school district in this State, who shall not at the time of his employment, have a certificate of qualification, obtained under the provisions of this act, entitling him to teach during the entire term of his contract; nor shall any teacher be paid any portion of the school or public fund aforesaid, unless he shall have kept and furnished schedules as herein directed, and shall have satisfactorily accounted for the books, apparatus and other property of the district that he may have taken in charge.

§ 53. [SCHEDULES—FORM—CERTIFICATE.] Teachers shall keep correct daily registers of their schools, which shall exhibit the name, age and attendance of each pupil, the day of the week, the month and the year. Said register shall be as nearly as may be in the following form, the absence of each scholar being signified by a mark, the presence by a blank viz:

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REGISTER of a common school kept by A. B. at , in district number . in township number . , range . . of the . . principal meridian, in the county of in the State of Illinois:

Names and Ages of Scholars Attending School.		1874.	January 15	16	17	18	19	22	23	24	25	26	29	30	31	February 1	February 2	5	6	7	8	9	Total number of days each scholar.
Names.	Age.		Monday,	Tuesday,	Wednesday,	Thursday,	Friday,	Monday,	Tuesday,	Wednesday,	Thursday,	Friday,	Monday,	Tuesday,	Wednesday,	Thursday,	Friday,	Monday	Tuesday,	Wednesday,	Thursday,	Friday,	
John Smith	10			1			1			1			1									1	15
Isaac Meslier	13				1			1	1	1	1				1	1			1	1			11
Sarah Danforth	16																						20
Mary Newman	18							1														1	18
Grand total number of days																							64

	Males.	Females.	
Number of Scholars	2	2	4
Average daily attendance			3. 2

Said registers shall be furnished to the teachers by the school directors; and each teacher shall at the end of his term of school return his register to the clerk of the school board of the district. Teachers shall made [make] schedules of the names of all scholars under twenty-one years of age, attending their schools, in the form prescribed by this act; and when scholars reside in two or more districts, townships or counties, separate schedules shall be kept for each district, township or county; the schedule to be made and returned by the teacher shall be, as near as circumstances will permit, in the following form, viz:

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SCHEDULE of a common school kept by.....at.....in district number...., in township number...., range number...., of the principal meridian, in the county of....., in the State of Illinois. Names and ages of scholars residing in district number, in township number...., north, range...., west,...., county, who have attended my school during the month of...., 18....,

NAMES.	AGES.	DAYS ATTENDED.
John Smith	10	15
Isaac Meslier	13	11
Sarah Danforth	16	20
Mary Newman	18	18
Grand total number of days attendance		64

	MALES.	FEMALES	TOTAL.
Number of scholars	2	2	4
Average daily attendance			3. 2

And said teachers shall add up the whole number of days attendance of each scholar and make out the grand total number of days attendance.

He shall also note the whole number of scholars, giving the males and females separately; the average daily attendance; and shall set the age of each pupil, opposite the name of said pupil, as in the form above prescribed, and shall attach thereto, his certificate, which shall be in the following form, viz:

"I certify that the foregoing schedule of scholars attending my school, as therein named, and residing as specified in said schedule, to the best of my knowledge and belief, is correct.

A. B. Teacher."

When the teacher shall have completed his or her schedule or schedules, as above required, he or she shall deliver it to some one of the directors, who shall give the teacher a receipt for the same; and it shall be the duty of said director, in connection with one other director of the board to carefully examine such schedule or schedules, and after correcting all errors, if they shall find such schedule to have been kept according to law, they shall certify to the same as near as practicable, in the following form, viz:

STATE OF ILLINOIS } SS.
.....COUNTY }

We, the undersigned, directors of.....in township number....., range number.....in the county aforesaid, certify that we have examined the foregoing schedule and find the same to be correct, and that the school was conducted according to law; that there is now due said C. D., teacher, as per contract, the sum of.....dollars.... cents, for which an order is issued bearing even date with this certificate, and that the said teacher has a legal certificate of.....grade,

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and that the property of the district, in charge of such teacher has been satisfactorily accounted for.

Witness our hands this.....day of.....18..

.....
.....
.....
} Directors.

Teachers wages are hereby declared due and payable monthly; and upon certifying to the schedule as aforesaid, the directors shall at once make out and deliver to the teacher an order upon the township treasurer for the amount named in the schedule; which order shall state the rate at which the teacher is paid according to his contract; the limits of the time for which the order pays, and that the directors have duly certified a schedule covering this time. But it shall not be lawful for the directors to draw an order until they have duly certified to the schedule; nor shall it be lawful for the directors after the date for filing schedules in April and October, to certify any schedule that covers any time prior to such dates nor to draw an order upon the township treasurer in favor of any teacher for the time covered by such schedule. If any order drawn for the the payment of a teacher is presented to the township treasurer for payment, and is not paid for want of funds, the treasurer shall make a written statement over his signature by an endorsement upon such order, with date showing such presentation and non-payment, and shall make and keep a record of such endorsement. Such order shall thereafter draw interest at the rate of eight per cent. per annum until paid or until the treasurer shall in writing notify the clerk of the board of directors that he has funds to pay such order; and of said notice the treasurer shall make and keep a record; and after giving such notice, he shall hold the funds necessary to pay such order until it is presented for payment, and such order shall draw no interest after the giving of said notice to said clerk of the board.

§ 54. [SCHEDULES DELIVERED TO TOWNSHIP TREASURER—SCHOOL MONTH—LOST TIME.] Schedules made and certified as aforesaid, shall, at least two days before the first Monday in April and October, be delivered by the directors to the township treasurer; and the directors shall be personally liable to the teacher and the district for any loss sustained by either, by their failure to examine and deliver to the township treasurer all schedules within the time fixed by law. The school month shall be the same as the calendar month; but teachers shall not be required to teach upon Saturdays, legal holidays—those being New Years, Fourth of July and Christmas—and thanksgiving and fast days appointed by the National or State authority; nor shall they be required to make up the time lost by closing school upon such days or upon such special holidays as may be granted the schools by the board of directors.

§ 55. [DUTIES OF TOWNSHIP TREASURER—BOND.] The township treasurer, appointed by the board of trustees, shall, before entering upon his duties, execute a bond, with two or more freeholders, who shall not be members of the board, as securities, payable to the board

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of the township for which he is appointed treasurer, with a sufficient penalty to cover all liabilities which may be incurred, conditioned faithfully to perform all the duties of township treasurer, in township . . ., range . . , in . . county, according to law. The bond shall be approved by at least a majority of the board, and shall be delivered by one of the trustees, to the county superintendent of the proper county. And in all cases where such treasurer aforesaid is to have the custody of all bonds, mortgages, moneys and effects denominated principal and belonging to the township for which he is appointed treasurer, the penalty of said treasurer's bond shall be twice the amount of said bonds, notes, mortgages, moneys and effects; and shall provide for the faithful accounting for, and turning over, of all such bonds, notes, mortgages, moneys and effects, as shall come into his hands while he may act as such treasurer under such appointment to his successor, when appointed and qualified, as herein provided, by giving bond. The penalty of said bond shall be increased from time to time, as the increase of the amount of notes, bonds, mortgages and effects may require, and whenever in the judgment of the trustees or county superintendent, the security is insufficient. Any and every township treasurer appointed subsequent to the first, as herein provided, shall execute bond with security, as is required of the first treasurer. The bond required in this section shall be in the following form, viz:

STATE OF ILLINOIS, . . . COUNTY. } ss:

Know all men by these presents, that we A. B., C. D., and E. F. are held and firmly bound, jointly and severally, unto the board of trustees of township . . , range . . , in said county, in the penal sum of . . dollars, for the payment of which we bind ourselves, our heirs, executors and administrators, firmly by these presents.

In witness whereof, we have hereunto set our hands and seals, this . . . day of , A. D. 18 .

The condition of the above obligation is such, that if the above bounden A. B., township treasurer of township , range . . , in the county aforesaid, shall faithfully discharge all the duties of said office, according to the laws which now are, or may hereafter be in force, and shall deliver to his successor in office, after such successor shall have fully qualified, by giving bond as provided by law, all moneys, books, papers, securities and property which shall come into his hands or control, as such township treasurer, from the date of this bond up to the time that his successor shall have duly qualified as township treasurer, by giving such bond as shall be required by law, then this obligation to be void; otherwise to remain in full force and virtue.

Approved and accepted by

G. H.)
L. J. } Trustees.
K. L.)

A. B. [SEAL.]
C. D. [SEAL.]
E. F. [SEAL.]

§ 57. [LOANS—SECURITIES.] Township treasurers shall loan, upon the following conditions, all moneys which shall come to their hands

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by virtue of their office, except such as may be subject to distribution. The rate of interest shall not be less than six per cent., nor more than eight per cent. per annum; the rate of interest to be determined by a majority of the township trustees, at any regular or special meeting of their board. No loans shall be made for less than six months, or more than five years. For all sums not exceeding one hundred dollars, loaned for not more than one year, two responsible sureties shall be given; for all sums over one hundred dollars, and for all loans for more than one year, security shall be given by mortgage on real estate, unincumbered, in value double the amount loaned, with a condition that in case additional security shall at any time be required, the same shall be given to the satisfaction of the board of trustees for the time being: *Provided*, that nothing herein shall prevent the loaning of township funds to boards of school directors, taking bonds therefor, as provided in section forty-seven (47) of this act. Notes, bonds, mortgages and other securities taken for money or other property, due or to become due to the board of trustees for the township, shall be payable to the said board by their corporate name; and in such name, suits, actions and complaints, and every description of legal proceedings may be had for the recovery of money, the breach of contracts, and for every legal liability which may at any time arise or exist, or upon which a right of action shall accrue to the use of this corporation: *Provided, however*, that notes, bonds, mortgages and other securities in which the name of the county superintendent or of the trustees of schools are inserted, shall be valid to all intents and purposes; and suit shall be brought in the name of the board of trustees as aforesaid. The wife of the mortgagor (if he has one) shall join in the mortgage given to secure the payment of money loaned by virtue of the provisions of this act. When there is a surplus of funds in the treasurers hands belonging to any school district, he may loan the same for the use and benefit of said district, upon the written request of the directors of such district, and not otherwise; and all such loans shall be on the same conditions as are prescribed in this section for the loaning of township funds.

§ 63. [TREASURER TO ACCOUNT SEMI-ANNUALLY TO TRUSTEES.] On the first Mondays of April and October, of every year, the township treasurer shall lay before the board of trustees a statement showing the amount of interest, rents, issues and profits that have accrued or become due since their last regular half yearly meeting, on the township lands and township funds, and also the amount of State and county fund interest on hand. He shall also lay before the said trustees all books, notes, bonds, mortgages and all other evidences of indebtedness belonging to the township, for the examination of the trustees, and shall make such other statement as the board may require touching the duties of his office. He shall make out, annually, and present to the board of trustees at their meeting succeeding the annual election, a complete exhibit of the fiscal affairs of the township and of the several districts or parts of districts in the township, showing the receipts of moneys, and the sources from which they have been derived, and the deficit and delinquencies, if there be any, and the cause, as well as a classified, statement of moneys paid out, and amount of ob-

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ligations remaining unpaid. And he shall within two days after the first Monday of April and of October in each year make out for each district or part of district in the township, a statement or exhibit of the exact condition of the account of such district or part of district; which statement or exhibit shall show the balance at the time of making the last exhibit and the amount received since up to the time of making the exhibit and when and from what source received; it shall also show the amount paid out during the same time, to whom paid and for what purpose; it shall be balanced and balance shown. The exhibit shall be subscribed and sworn to by the treasurer before any officer authorized to administer an oath, and shall then, by the treasurer be, without delay, delivered or transmitted by mail, to the clerk of the board of directors of the proper district, and it shall be the duty of said clerk upon receiving such exhibit, to enter the same upon the records of the district; and at the next annual election of director thereafter the directors shall cause a copy of such exhibits to be posted up at the front door where such election is held: *Provided*, that the first exhibit, made under the requirements of this act, shall be made within two days after the first Monday of October, 1879, and shall commence with the balance on the first Monday in April 1879. And for a failure on the part of the treasurer, clerk of any board of directors, or any director to comply with any of the requirements of this section, required of him, he shall be liable to penalty of not less than five dollars nor more than fifty dollars, to be recovered before any justice of the peace of the county in which the offense is committed: *Provided, further*, that it shall be the duty of said treasurer to comply with any demand the said trustees may make as to the verification of any balance reported to be on hand."

§ 67. [PAYMENT FROM FUNDS ON ORDER OF DIRECTORS.] School funds collected from special taxes, levied by order of school directors, or from the sale of property belonging to any district, shall be paid out on the order of the proper board of directors; and all other moneys and school funds, liable to distribution, paid into the township treasury or coming into the hands of the township treasurer, shall, after said funds have been apportioned by the township trustees, as required in section thirty-four (34) of this act, be paid out only on the order of the proper board of directors, signed by the president and clerk of said board, or by a majority of such board. But when a district is composed of parts of two or more townships, the township treasurer or treasurers who do not receive the tax money of said district, shall, when they hold any funds belonging to said district, notify the directors thereof of the amount of such funds; and the directors shall thereupon give the treasurer who receives the tax money of said district, an order for such funds, and upon receipt thereof he shall hold them to be paid out as aforesaid. For all payments made, receipts shall be taken and filed. In all such orders shall be stated the purpose for which, or on what account drawn. Said orders may be in the following form, viz:

The treasurer of . . , township No. . . , Range No. . , in . . , county, will pay to . . . , or bearer . . , dollars and . . , cents (on his contract for repairing school house, or whatever the purpose may be).

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By order of the board of directors of district No. . . , in said township.

A. B., President.
C. D., Clerk.

Which order, together with the receipt of the person to whom paid, shall be filed in the office of the township treasurer: *Provided*, that when an order is paid in full, such order, if properly endorsed by the person in whose favor it was drawn and his assigns, if any, or by the person to whom paid, if drawn payable to bearer, shall be a sufficient receipt for the purposes of this section.

§ 79. [NOT TO AFFECT SCHOOLS IN CERTAIN CITIES—DUTIES OF BOARD OF EDUCATION.] This act shall not be so construed as to repeal or change, in any respect, any special acts in relation to schools in cities having less than one hundred thousand inhabitants, or incorporated towns, townships or districts, except that it shall be the duty of the several boards of education or other officers of any city or incorporated town, township or district, having in charge schools under the provisions of any of the said special acts, or of any ordinance of any city or incorporated town, on or before the fifteenth day of August preceding each regular session of the General Assembly of this State, or annually, if required so to do by the State Superintendent, to make out and render a statement of all such statistics and other information in regard to schools, and the enumeration of persons, as is required to be communicated by township boards of trustees or directors under the provisions of this act, or so much thereof as may be applicable to said city or incorporated town, to the county superintendent of the county where such city or incorporated town is situated, or of the county in which the larger part of such city or town is situated; nor shall it be lawful for the county superintendent or any other officer or person, to pay over any portion of the common school fund to any local treasurer, school agent, clerk, board of education, or other officer or person of any township, city or incorporated town unless a report of the number of persons, and other statistics relative to schools, and a statement of such other information as is required of the boards of trustees or directors, as aforesaid, and of other school officers and teachers, under the provisions of this act, shall have been filed at the time or times aforesaid, specified in this section, with the superintendent of schools of the proper county as aforesaid. It shall also be the duty of the president, principal or other proper officer of every organized university, college, seminary, academy, or other literary institution, heretofore incorporated, or hereafter to be incorporated in this State, to make out or cause to be made out and forwarded to the office of the superintendent of public instruction, on or before the fifteenth day of August, in each year, a report setting forth the amount and estimated value of real estate owned by the corporation; the amount of other funds and endowments, and the yearly income from all sources; the number of instructors; the number of students in the different classes; the studies pursued and the books used; the course of instruction; the terms of tuition, and such other matters as may be specially requested by said superintendent, or as may be deemed proper by the president or principal

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of such institutions, to enable the superintendent of public instruction to lay before the legislature a fair and full exhibit of the affairs and conditions of said institutions, and of the educational resources of the State.

APPROVED June 3d, 1879.

SCHOOL FOR GIRLS—INDUSTRIAL.

§ 1. Corporation—how organized.
§ 2. Object—how school maintained.
§ 3 Enforcement of act—petition.
§ 4. Writ to issue—trial by jury.
§ 5. Judgment—appointment of guardian
§ 6. Warrant of commitment.
§ 7. Receipt endorsed on warrant.
§ 8. Fees for conveying to school.
§ 9. Clothing to be provided.
§ 10. Officers of schools—duties—powers.
§ 11. Adoption.
§ 12. No imbecile, etc., admitted.
§ 13. Discharge from school.
§ 14. Visitation, etc.

AN ACT *to aid industrial schools for girls. Approved May* 28, 1879. *In force July* 1, 1879.

SECTION 1. [CORPORATION—HOW ORGANIZED.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That any seven or more persons, residents of this State, a majority of whom are women, who may organize, or have organized, under the general laws of the State, relating to corporations, for the purpose of establishing, maintaining and carrying on an Industrial School for Girls, shall have under the corporate names assumed, all the powers, rights and privileges of corporations of this State, not for pecuniary profit, and shall be, and hereby are exempted from all State and local taxes: *Provided however*, that any persons organized, or who may hereafter organize as above set forth, desiring to avail themselves of the provisions of this act, shall first obtain the consent of the Governor thereto, in writing, which consent must be filed in the office of the Secretary of State.

§ 2. [OBJECT—HOW SCHOOL MAINTAINED.] The object of Industrial Schools for Girls shall be to provide a home and proper training school for such girls as may be committed to their charge; and they shall be maintained by voluntary contributions, excepting as hereinafter provided.

§ 3. [ENFORCEMENT OF ACT—PETITION.] Any responsible person who has been a resident of any county in this State, one year next preceding the time at which the petition is presented, may petition the county court of said county to inquire into the alleged dependency of any female infant then within the county, and every female infant who comes within the following descriptions shall be considered a dependent girl, viz:

Every female infant who begs or receives alms while actually selling, or pretending to sell any article in public; or who frequents any street, alley or other place, for the purpose of begging or receiving alms; or,

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who having no permanent place of abode, proper parental care, or guardianship, or sufficient means of subsistence, or who for other cause is a wanderer through streets and alleys, and in other public places; or, who lives with, or frequents the company of, or consorts with reputed thieves, or other vicious persons; or who is found in a house of ill-fame, or in a poor house.

The petition shall also state the name of the father of the infant, if living, or if dead, the name of the mother; and if neither the father nor mother of the infant be living, or to be found in the county, then the name of the guardian, if there be one. If there be a parent living, or a guardian, the petition shall set forth not only the dependency of the infant, but shall also show that the parent or guardian is not a fit person to have the custody of such infant. Such petition shall be verified by oath, and upon being filed, the judge of said court shall have the female infant, named in the petition, brought before him for the purpose of determining the application in said petition contained, and for the hearing of such petitions the county court shall be considered always open.

§ 4. [WRIT TO ISSUE—TRIAL BY JURY.] Upon the filing of such petition, the clerk of the court shall issue a writ to the sheriff of the county, directing him to bring such infant before the court to order a jury of six to be summoned, to ascertain whether such infant is a dependent, as alleged in such petition, and also to find if the other allegations, are true, and if found to be such, they shall also find her age in their verdict, and when such infant shall be without counsel, it shall be the duty of the court to assign counsel for her; and if the jury finds that the infant named in the petition is a dependent girl, and that the other material facts set forth in the petition are true, and if, in the opinion of the judge, she is a fit person to be sent to an Industrial School for Girls, the judge shall enter an order that such infant be committed to an Industrial School for Girls in the county, if there be such school in the county; but if there be no such school in the county, then to any Industrial School for Girls, elsewhere in the State, to be in such school kept and maintained until she arrives at the age of eighteen years, unless sooner discharged therefrom in the manner hereinafter provided. Before the hearing aforesaid, notice shall be given to the parent or guardian of the infant, if to be found in the county, of the proceedings about to be instituted, and they may appear and resist the same.

§ 5. [JUDGMENT—APPOINTMENT OF GUARDIAN.] If the court finds as in the preceding section, it shall further order of record, that such infant has no guardian; or that her guardian or parent is not a fit person to have the custody of such infant, as the case may be, and the court may thereupon appoint the president or any one of the vice-presidents of such Industrial School the lawful guardian of such infant, and no bond shall be required of such guardian, and such guardian shall permit such infant to be placed under the care and in the custody of such Industrial School for Girls as hereinafter provided.

§ 6. [WARRANT OF COMMITMENT.] A warrant shall thereupon be issued in duplicate by the clerk to some suitable person, a resident of

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the county, to be designated by the judge, authorizing him or her to take in charge and care, the dependent girl named in said order of the court, and convey her to the Industrial School for Girls to which she is to be committed, and said warrant shall be substantially as follows:

STATE OF ILLINOIS, } SS.
——— COUNTY. }

The people of the State of Illinois to , You are hereby authorized to take forthwith into your charge and care . . , aged . . years, who has been declared a dependent girl, and convey her to the . . (as the case may be) Industrial School for girls, and of this warrant you are commanded to make due return to this court after its execution.

Witness may hand and the seal of the county court of . . county, this . . day of . . . A. D.

(Seal of Court.)
Clerk of the county court of . . county.

This warrant, with the receipt therein, shall be returned to the clerk, to be filed by him with the other papers relating to the case, and this warrant shall be a sufficient and competent authority for the proper officers and agents of the Industrial School for Girls, to which it is directed to receive, keep and detain the person therein named, and a duplicate copy thereof shall be delivered to the matron or other proper officer of such school, to be kept at the school by such matron or other proper officer, which duplicate shall have thereon a full copy of all endorsements made upon the one returned to court, and be recorded by her in a book kept for that purpose, and said book shall always be open to the inspection of any person.

§ 7. [RECEIPT ENDORSED ON WARRANT.] Upon receiving the dependent girl, the matron of the school shall endorse upon the warrant referred to in the preceding section a receipt, as follows:

. . . . (as the case may be) Industrial School for Girls.

Received this . . . day of . . . A. D. . . . , the girl name in this warrant.

.....Matron.

(SEAL OF SCHOOL.)

§ 8. [FEES FOR CONVEYING TO SCHOOL.] The fees for conveying a dependent girl to an Industrial School for Girls, shall be the same as conveying a juvenile offender to the Reform School for Juvenile Offenders, at Pontiac, in this State, and they shall be paid by the counties from which such dependent girls are sent, unless they are paid by the parent or guardian.

§ 9. [CLOTHING TO BE PROVIDED—PARENT OR GUARDIAN TO PAY FOR, WHEN—ALLOWANCE FOR SUPPORT, ETC.] It shall be the duty of the county judge to see that every dependent girl committed by him to an Industrial School for Girls, shall, at the time she is conveyed

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to the school, be furnished with three chemises, three pairs of woolen stockings, one pair of shoes, two woolen petticoats or skirts, three good dresses, a cloak or shawl, and a suitable bonnet. The expense of said clothing shall be paid out of the county treasurer upon the certificate of the county judge. But if the dependent girl have a parent or guardian, the court shall render judgment against him for the amount to be paid the county for such clothing, together with cost of collection; and if such expenses and cost of collection are recovered the money shall be paid into the county treasury. For the tuition, maintenance and care of dependent girls, the county from which they are sent shall pay to the Industrial School for Girls to which they may be committed, as follows:

For each dependent girl under the age of ten years, ten dollars per month.

For each dependent girl ten years and under fourteen years of age, ten dollars per month.

For each dependent girl fourteen and under eighteen years of age, ten dollars per month. And upon the proper officer rendering proper accounts therefor, quarterly, the county board shall allow and order the same paid out of the county treasury: *Provided*, that no charge shall be made against any county by any Industrial School for Girls on account of any dependent girl in the care thereof who has been by said school put out to a trade or employment in the manner hereinafter provided.

§ 10. [Officers of schools—duties—powers.] The officers and trustees of any Industrial School for Girls in this State, shall receive into such school all girls committed thereto under the provisions of this act, and shall have the exclusive custody, care and guardianship of such girls. They shall provide for their support and comfort; instruct them in such branches of useful knowledge as may be suited to their years and capacities, and shall cause them to be taught in domestic avocations, such as sewing, knitting, and housekeeping in all its departments. And for the purpose of their education and training, and that they may assist in their own support, they shall be required to pursue such tasks suitable to their years and sex, as may be prescribed by such officers and trustees.

§ 11. [Adoption.] Any girl committed under the provisions of this act to an Industrial School for Girls, may by the officers and trustees of said school be placed in the home of any good citizen upon such terms and for such purpose and time as may be agreed upon, or she may be given to any suitable person of good character who will adopt her, or she may be bound to any reputable citizen as an apprentice to learn any trade, or as a servant to follow any employment which, in the judgment of said officers and trustees, will be for her advantage; and all and singular of the provisions of the act entitled "An act to revise the law in relation to apprentices," approved February 25, 1874; in force July 1, 1874, in so far as they are applicable, shall apply to and be binding upon such officers and trustees, upon such girl and upon the person to whom such girl is bound: *Provided*, that any disposition made of any girl under this

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section shall not bind her beyond her minority; *And, provided, further*, that such officers and trustees shall have a supervising care over such girl to see that she is properly treated and cared for; and in case such girl is cruelly treated, or is neglected, or the terms upon which she was committed to the care and protection of any person are not observed, or in case such care and protection shall for any reason cease, then it shall be the duty of such officers and trustees to take and receive such girl again into the custody, care and protection of said industrial school.

§ 12. [No imbecile, etc., girl admitted.] No imbecile, or idiotic girl, or one incapacitated for labor, nor any girl having any infectious, contagious, or incurable disease, shall be committed or received into any Industerial School for Girls in this State.

§ 13. [Discharge from school.] Any girl committed to an Industrial School for Girls, under the provisions of this act, may be discharged therefrom at any time, in accordance with the rules thereof, when in the judgment of the officers and trustees, the good of the girl or good of the school, would be promoted by such discharge, and the Governor may at any time order the discharge of any girl committed to an industrial school under the provisions of this act.

§ 14. [Visitation, etc., by board of state commissioners of public charities.] All Industrial Schools for Girls in this State, shall be subject to the same visitation, inspection and supervision of the Board of State Commissioners of Public Charities, as the charitable and penal institutions of the State, and avoiding as far as practicable, sectarianism; suitable provisions shall be made for the moral and religious instruction of the inmates of all Industrial Schools for Girls in this State. But no such industrial school shall receive an appropriation from the State for any purpose, and any school receiving an appropriation from the State shall not have the benefit of the provisions of this act.

Approved May 28th, 1879.

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STATE HOUSE COMMISSIONERS.

§ 1. Office abolished.
§ 2. To pay over money and deliver books, etc.
§ 3. Books, etc., delivered to Secretary of State.
§ 4. Treasurer to deliver money, books, etc.
§ 5. Auditor to adjust books, etc.
§ 6. Report by Auditor.
§ 7. Emergency.

AN ACT *to abolish the office of State House Commissioners. Approved and in force May* 24, 1879.

SECTION 1. [OFFICE ABOLISHED.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the office State House Commissioners, created by an act entitled "An Act to amend an act to provide for the erection of a new State House," approved February 25, 1867, and to amend an act supplemental to an act to provide for the erection of a new State House, approved February 25, 1867, approved March 11, 1869, be and the same is hereby abolished.

§ 2. [TURN OVER MONEY, BOOKS, ETC.] The Board of State House Commissioners shall, as soon as this act shall take effect, pay over and deliver to the Treasurer of this State all moneys in their possession belonging to or in any manner connected with the State House fund; and shall in like manner deliver to the Auditor of Public Accounts, the books, papers and vouchers belonging to or in any way connected with the State House Commissioners, to be filed and preserved in his office.

§ 3. [SECRETARY TO DELIVER BOOKS, ETC.] The Secretary of said Board of State House Commissioners shall deliver to the Secretary of State all books, papers, vouchers and all property in his possession belonging to the State.

§ 4. [TREASURER TO TURN OVER MONEY, BOOKS, ETC.] The Treasurer of said Board of State House Commissioners shall in like manner deliver and pay over to the Treasurer of this State, all moneys in his hands belonging to, or in any way connected with the new State House fund; and the records of the acts and doings of the said State House Commissioners, as well as all books, papers and vouchers having relation to the new State House fund, either as treasurer or otherwise, the said treasurer shall deliver to the Auditor of Public Accounts to be preserved as above.

§ 5. [AUDITOR TO EXAMINE AND ADJUST BOOKS, ETC.] The Auditor of Public Accounts, Attorney General and Treasurer of this State shall immediately after filing said papers, books, vouchers &c, proceed to examine and adjust the same.

§ 6. [REPORT BY AUDITOR.] It shall be the duty of the Auditor of Public Accounts, Attorney General and Treasurer to make and report a detailed statement of their proceedings herein to the next General Assembly of this State.

§ 7. [EMERGENCY.] WHEREAS there is no duty for said Commissioners to discharge, therefore an emergency exists, and this act shall take effect from and after its passage.

APPROVED May 24th, 1879.

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STATUTES.

REPEAL.

§ 1. Act repealed.

AN ACT *to repeal an act entitled "An Act in relation to certain fines and penalties in Cook county," approved February* 23, 1867*; in force February* 23, 1867. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That an act entitled "An Act in relation to certain fines and penalties in Cook county," approved February 23, 1867, and in force February 23, 1867, be and the same is hereby repealed.

APPROVED May 31st, 1879.

TOLL BRIDGES.

§. 13. Injuring or ruining gate.

AN ACT *to amend section thirteen of an act entitled "An act to revise the law in relation to Toll Bridges" approved March* 23, 1874, *in force July* 1, 1874. *Approved May* 28, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section thirteen of an act entitled "An Act to revise the law in relation to toll bridges," approved March 23, 1874, in force July 1, 1874, be amended so as read as follows:

§ 13. [INJURING OR RUINING GATE.] Every person who shall wilfully break, throw, draw or injure any gate erected on any toll bridge, or shall forcibly or fraudulently pass over any such bridge without having first paid or tendered the legal toll, or shall ride any horse or mule, or drive any team faster than a walk over such toll bridge, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined, in addition to the damage resulting from such wrongful act, in any sum not exceeding ten dollars, and in default of payment thereof, shall be committed to the county jail until said fine and costs are paid.

APPROVED May 28th, 1879.

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CHANGE OF ORGANIZATION.

§ 1. Change to county organization—poll tax. | § 2. Emergency.

AN ACT *to authorize counties changing from township organization to county organization, to assess a poll tax, road labor and road tax at any meeting of the county commissioners during the first year after such change. Approved and in force May* 28, 1879.

§ 1. [CHANGE TO COUNTY ORGANIZATION—ASSESSMENT OF POLL TAX.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That counties changing from township organization to county organization, be and the same are hereby authorized to assess a poll-tax, road labor and road tax, for the year, at any meeting during the first year after such change is made.

§ 2. [EMERGENCY.] WHEREAS, There is no law now in force allowing counties having made such change to assess a poll-tax, road labor, and road tax before September, therefore, an emergency exists, and this act shall be in force from and after its passage.

APPROVED May 28th, 1879.

TOWNSHIP ORGANIZATION.

§ 10. Town clerk to be clerk of board.

AN ACT *to amend article thirteen* (13) *of an act entitled "An Act to revise the law in relation to Township Organization," approved and in force March 4th*, 1874. *Approved May* 29, 1879. *In force July* 1, 1879.

SECTION. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That article thirteen (13) of an act entitled "An Act to revise the law in relation to Township Organization," approved and in force March 4th, 1874, be and the same is hereby amended by adding thereto the following section:

§ 10. [TOWN CLERK TO BE CLERK OF BOARD—DUTIES, ETC.] The town clerk shall act as clerk of the board of town auditors, and shall record the proceedings of each meeting of the board in a book which he shall provide for that purpose at the expense of the town; such record shall include all certificates of accounts audited by the board. Accounts audited shall be paid by the supervisor on presentation of a certificate of the town clerk, stating the amount and to whom allowed; the date when audited and on what account, which certificate before payment of the amount shall be countersigned by the supervisor.

APPROVED May 29th, 1879.

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UNCLAIMED PROPERTY.

§ 1. Title amended. | § 3. Sale of property.

AN ACT *to amend section three* (3) *of an act entitled "An Act to provide for the sale of unclaimed property by common carriers, warehousemen and inn-keepers," approved March 28th*, 1874, *and to amend the title thereof. Approved May* 13, 1879. *In force July* 1, 1879.

§ 1. [TITLE AMENDED.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section three (3) of an act entitled "An act to provide for the sale of unclaimed property by common carriers, warehousemen and inn-keepers," approved March 28, 1874, and the title of said act be and the same are hereby so amended as to read as follows. The title of the said act shall be "An Act to provide for the sale of personal property by common carriers, warehousemen and inn-keepers, and by others having liens thereon.

§ 3. [SALE OF PROPERTY—NOTICE.] All persons other than common carriers having a lien on personal property, by virtue of an act entitled "An Act to revise the law of liens, approved March 25th, 1874, may enforce said lien by a sale of said property, on giving to the owner thereof, if he and his residence be known to the person having such lien, ten (10) days notice, in writing of the time and place of such sale, and if said owner or his place of residence be unknown to the person having such lien, then upon his filing his affidavit to that effect with the Clerk of the County Court in the county where said property is situated; notice of said sale may be given by publishing the same once in each week for three (3) successive weeks in some newspaper of general circulation published in said county, and out of the proceeds of said sale all costs and charges for advertising and making the same, and the amount of said lien shall be paid, and the surplus, if any, shall be paid to the owner of said property.

APPROVED May 13th, 1879.

VENUE.

§ 21. When cause prejudice of judge.

AN ACT *to amend section twenty-one of an act entitled, "An Act to revise the law in relation to change of venue," approved March* 25, 1874, *in force July 1st*, 1874. *Approved May* 31, 1879. *In force July* 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*; That section twenty-one (21) of

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an act entitled, "An Act to revise the law in relation to Change of venue," be and the same is hereby amended to read as follows:

§ 21. (WHEN CAUSE PREJUDICE, OF JUDGE.) When the cause for a change of venue is the prejudice of the judge, the petition shall be accompanied by the affidavits of at least two reputable persons, resident of the county, and not of kin or counsel to the applicant, stating that they believe the judge is so prejudiced against the applicant, that he cannot have a fair and impartial trial; and, thereupon, the case may be tried by any other of the circuit judges of the circuit in which the case is pending, to whom the cause alleged does not apply, and the venue shall not be changed from the county in which the indictment is found, in such case, unless it appears, from the affidavits in support of the motion for change of venue, that the disability alleged applies to all the circuit judges in the circuit. *Provided*, that when the case is pending in the criminal court of Cook county, no change of venue for the cause of the prejudice of the judge shall be made, except [to] some one of the judges authorized by law to hold said criminal court, other than the one who is holding said court at the time the application for a change of venue is made; the judge to whom such application for a change of venue is made shall forthwith notify two or more of the other judges authorized by law to hold said criminal court; and the judges so notified, together with the judge to whom such application is made shall, as soon as convenient, decide the motion, and if granted, select in such manner as they may deem best one of their number to hear said case; there shall be but one change of venue in such case, and the States Attorney shall have the same right as the defendant to apply for and obtain a change of venue from one judge to another.

APPROVED May 31st, 1879.

JOINT RESOLUTIONS.

BLACK HAWK WAR.

WHEREAS, The Black Hawk war forms an important incident in the history of the great Northwest, and

WHEREAS, That war was waged on the part of the Government, to shield life and property, against the assailment of hostile savage tribes, and with a success alike honorable to the country, and to the hardy volunteers who took part in it: and

WHEREAS, Now, at the end of near half a century, the few volunteers surviving are, in most instances, decrepid, as well as very aged; and

WHEREAS, A recognition by the Congress of their services, in a

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substantial form according to the practice of that body in such cases would be both acceptable and useful to them, therefore

Resolved by the Senate of the State of Illinois, the House of Representatives concurring herein, that we respectfully memorialize Congress in favor of the passage of the bill now pending before that body, providing for the allowance of bounties or pensions to the soldiers of the Mexican and other wars so amended as that said bill shall include a like provision for the soldiers of the Black Hawk war.

CANVASS OF VOTES—STATE OFFICERS.

Resolved, by the Senate, the House of Representatives concurring herein, That the two Houses meet in joint session in the Hall of the House of Representatives on Friday the 10th day of January A. D. 1879, at 2½ o'clock P. M. for the purpose of canvassing the returns of the election for Treasurer and Superintendent of Public Instruction.

CHAPLAINS.

Resolved, by the House of Representatives the Senate concurring herein, That there shall be paid to each of the clergymen of this City, who have officiated as Chaplains of the 31st General Assembly, and to the Hon. James Core for like services, the sum of Thirty-six dollars from the Contingent Expense Fund; the names to be divided equally and placed upon the pay rolls of the two houses, and certified by the respective presiding officers to the amount specified in this resolution.

CUSTOM HOUSE AND POST OFFICE, CHICAGO.

WHEREAS, The City of Chicago has suffered the loss of her Post Office by fire for the third time within eight years causing great loss to the City and General Government, and embarrassing the business of the entire country and

WHEREAS—The New Post Office and Custom House which the Government has undertaken at Chicago ought to have been completed years ago, thereby saving to the people many thousands of dollars paid out for rents and interest and

WHEREAS this series of calamities may be directly traced to the temporary nature of the premises used, and their general unsuitableness for the business of the Post Office therefore be it

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Resolved by the Senate the House of Representatives concurring herein that our Senators and Representatives in Congress be requested to urge the appropriation of a sum of money sufficient to complete and furnish the New Custom House and Post Office without any further delay.

Resolved That the Secretary of State be authorized to transmit a copy of these Resolutions to each of our members of Congress.

ELECTION OF COUNTY OFFICERS.

Resolved by the Senate of the State of Illinois, the House of Representatives concurring herein, that there shall be submitted to the voters of this State, at the next election for members of the General Assembly, a proposition to so amend the eighth (8) section of the tenth (10) article of the constitution of this State, so that the same may read as follows: "In each county there shall be elected the following county officers, at the general election to be held on the Tuesday after the first Monday in November, A. D. 1882, a County Judge, County Clerk, Sheriff and Treasurer, and at the election to be held on the Tuesday after the first Monday in November A. D. 1884, a Coroner and Clerk of the Circuit Court (who may be ex-officio Recorder of Deeds, except in counties having 60,000 and more inhabitants, in which counties a Recorder of Deeds shall be elected at the general election in 1884). Each of said officers shall enter upon the duties of his office, respectively on the first Monday of December, after his election, and they shall hold their respective offices for the term of four years, and until their successors are elected and qualified. *Provided* that no person having once been elected to the office of Sheriff, or Treasurer shall be eligible to re-election to said office for four years after the expiration of the term for which he shall have been elected.

ELECTION OF UNITED STATE SENATOR.

Resolved by the Senate, the House of Representatives concurring herein, that on Tuesday the 21st day of January, instant at 11 o'clock A. M. each House shall by itself, and in the manner prescribed by Sections 14 and 15 of Revised Statutes of the United States of 1873, and 1874, name a person for Senator in Congress from the State of Illinois for the term of six years from the 4th day of March, A. D. 1879, and on Wednesday the 22nd day of January instant at 12 o'clock meridian, the members of the two Houses shall convene in joint assembly in the Hall of the House of Representatives, and in the manner prescribed in said law declare the person who has received a majority of the votes in each House, if any person has received such majority, duly elected Senator to represent the State of Illinois in the Congress of the United States for the term aforesaid; and if no one

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person has received such majority, then proceed as prescribed in said law in Joint Assembly to choose a person for the purpose aforesaid.

ILLINOIS AND MICHIGAN CANAL.

WHEREAS, The General Assembly of the State, at its session in the year 1823, foreseeing the great future that lay before the People of Illinois, provided for the appointment of Commissioners to devise, consider and adopt such measures as might be requisite to effect the communication by canal and locks between the Illinois River and Lake Michigan; and,

WHEREAS, on the 17th day of January, 1825, the General Assembly adopted the report of said Commissioners, and duly incorporated the Illinois and Michigan Canal; and *Whereas*, on January 20, 1826, the General Assembly instructed and empowered the Governor to negotiate for loans of money to begin and carry on the construction of said Illinois and Michigan Canal; and

WHEREAS, The General Assembly, at its session in 1829–31 memorialized the Congress of the United States to aid by donations of land this important waterway; and

WHEREAS, The succeeding General Assemblies did regularly and liberally appropriate monies, out of the State treasury in aid of said Illinois and Michigan Canal up to the session of 1849 when a settlement in full was had with the Trustees of said Illinois and Michigan Canal, which showed that a grand total of $6,557,791.50 had been expended by Illinois on its behalf; and

WHEREAS, From that date to the present the General Assembly has liberally appropriated other sums, amounting in the aggregate to many millions of dollars more, in aid of the construction of the Illinois and Michigan Canal; and

WHEREAS, There exists in the minds of a large portion of the people of this State a grave doubt as to whether the General Assembly ought ever to have begun the construction of this vast national waterway at the expense of the people of this State; and

WHEREAS, The Federal Government is regularly and liberally providing for the construction of waterways not nearly so necessary for the promotion of the arts of peace, or for being transformed into lines of defense in time of war, as would prove this Illinois and Michigan Canal when enlarged and deepened into a ship canal; *therefore*, be it

Resolved, by the Senate, the House of Representatives concurring therein, that a joint committee of two from the Senate, and three from the House be hereby constituted with power to investigate whether a cession of said canal to the General Government is desirable and if

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so to report at an early day what, if any, legislation is necessary to provide for a cession to the Federal Government of all the right, title and interest the State of Illinois now holds in the real and personal property of the Illinois and Michigan Canal; Provided, that in consideration of such cession, the Federal Government will agree to assume, control and carry on and complete the enlargement of said canal into a Ship Canal of capacity not less than vessels of ——— tons burden.

IMPROVEMENT OF MISSISSIPPI RIVER.

WHEREAS By the action of the water at the point where the Missouri river empties its waters into the Mississippi river opposite the county of Madison in the State of Illinois is such that large tracts of land situated in said county of Madison has already been washed away and the same is now being washed away and:

WHEREAS At the rate the lands in said county are now being carried away by the water there is great danger that the river will break across the present land barrier and flow into Long Lake thereby causing the Mississippi river at that point to spread over large tracts of country both in the county of Madison and St. Clair in said State and inflicting great injury to a large district of country and at the same time greatly endangering navigation on the Mississippi River and compelling the construction of numerous bridges across the channel thus formed and,

WHEREAS By the washing away of the soil the said Mississippi river has been widened from about the width of an half mile to about the width of a mile and a half, in the last few years, thereby causing the formation of several sand bars in the immediate vicinity and thus rendering navigation difficult and dangerous.

Therefore be it:

Resolved By the House of Representatives the Senate concurring herein that our Representatives in Congress be requested and our Senators be instructed to use their influence and endeavors to have the Congress of the United States in its expenditure of money for the improvement of the Mississippi river, so to expend the same as to protect the navigation of said river at the points endangered and at the same time prevent the river from breaking into Long Lake and devastating the country as mentioned.

IMPROVEMENT OF HARBOR AT WAUKEGAN.

WHEREAS, it is of paramount importance to the People of this State that the river and lake advantages within and adjacent to its

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boundaries be kept in proper condition for the carrying on of commercial enterprises between the citizens of this State and other States and countries, and

WHEREAS, this State is possessed of many miles of frontage on Lake Michigan, one of the Great Lakes of North America, affording the commerce of this State an outlet through the great water highway to the Atlantic sea-board, and

WHEREAS, there are many points of danger to navigators on said lake frontage, and some points which could by a small outlay of money be made commodious and safe harbors for lake shipping aside from the port of Chicago, and

WHEREAS, the people of the Northeastern portion of this State are now petitioning Congress, asking for an appropriation from the General Government for the construction of a harbor and life saving station at Waukegan, in Lake County, in this State, said harbor having formerly been of great advantage to the agricultural interests of the people in said locality, as furnishing a means of shipping produce direct to the markets of the East, but having of late fallen into disuse on account of the formation of sand bars at the mouth of Waukegan River, and many serious accidents have within the last few years occurred at said place to our lake shipping, therefore, be it

Resolved, by the Senate of the State of Illinois, the House of Representatives concurring herein, that our Senators in Congress be instructed, and our Representatives be requested to obtain from the General Government an appropriation for the construction of a harbor and life-saving station at Waukegan, in this State.

Resolved, further that the Secretary of State is hereby instructed to send certified copies of these resolutions to each of our Senators and Representatives in Congress assembled.

IMPROVEMENT OF QUINCY BAY.

WHEREAS For the want of sufficient and well improved harbors on the Mississippi River there is great annual destruction of steam-boats, barges, and other water-crafts by the breaking up of ice and by storms on said river involving losses of greatest magnitude to the shipping interests of the whole Mississippi valley: and,

WHEREAS, The Quincy Bay, of Quincy, in the State of Illinois, is one of the best natural harbors on said river, embracing as it does, a body of still water more than three (3) miles in length, and of sufficient width and depth, except in a few places obstructed by said bars, to afford a safe and convenient shelter and harbor for vessels navigating the Mississippi river; and,

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WHEREAS, By the expenditure of a comparatively small amount of money, considering the magnitude of the shipping interests involved, in the improvement of the Quincy Bay, it would become a safe and convenient harbor for vessels, navigating said river; therefore be it

Resolved, By the House of Representatives the Senate concurring herein, That the representatives and senators in Congress, from the State of Illinois, be and they are hereby requested to use all honorable means to secure the permanent improvement of the Quincy Bay by the Government of the United States in such a manner as to make it a safe and permanent harbor on said river and be it further;

Resolved, That the Secretary of State be, and is hereby requested to transmit a copy of these resolutions to each of the representatives and senators in Congress from the State of Illinois.

INTERNATIONAL EXHIBITION, MEXICO.

WHEREAS, During last Winter a number of our citizens visited our neighboring Republic of Mexico, with the view of increasing the commerce and Trade between the Two (2) Countries, and

WHEREAS, Those visitors were very cordially received and entertained there, and

WHEREAS, As a result, of said visit the trade and commerce between the two (2) countries have been increased, and as a further result an international exhibition is to be held in the City of Mexico, commencing January 15th, 1880, and ending April 15th, 1880 to which all nations are invited and

WHEREAS, It is very desirable that our People should enjoy every facility, to exhibit our various productions of our industries at said exhibition, therefore be it

Resolved, by the House of Representatives the Senate concurring herein, that our Senators and our members of Congress are requested to encourage such Legislation in Congress, as shall secure the appointment of a sufficient number of commissioners, to take charge of and fully represent the interests of our People at said Exhibition so that we may fully and fairly compete with other Nations; and further

Resolved, That the Secretary of State transmit a copy of these Resolutions, to each of our Senators and Representatives in Congress now assembled in the City of Washington D. C.

JANITORS AND EMPLOYES.

Resolved, by the Senate, the House of Representatives concurring herein, that the Secretary of State be and he is hereby directed to employ

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such number of Janitors and other employees as are required to keep the Capitol Halls of the General Assembly, Committee Rooms, and other rooms and closets in good order and cleanly condition, and for the performance of such other duties as may be imposed upon him by law, or by the direction of either branch of the General Assembly. Said Janitors and employees to be paid the amount per diem and in the manner provided by the act of the 30th General Assembly, entitled "an Act to provide for the Election and appointment of the Officers and Employees of the General Assembly and to fix their compensation.

Approved May 28th, 1877.

In force July 1st, 1877.

JOINT RULES.

Resolved, by the House of Representatives, the Senate concurring herein. That a joint committee consisting of three on the part of the House and two on the part of the Senate be appointed as a commitee on joint rules.

PASSAGE OF SENATE AND HOUSE BILLS; SWAMP AND OVERFLOWED LANDS.

Resolved, by the Senate, the House of Representatives concurring herein, that our Senators and Representatives in Congress be requested to urge the passage of Senate Bill, No. 780, reported from the Committee on Public Lands by Senator Oglesby in the United States Senate on the 5th of June, 1878, a bill to provide for indemnity due the several states under the acts of Congress, approved March 2, 1855, and March 3, 1857, relating to swamp and overflowed lands; also of House Bill, No. 4,739, introduced by Hon. G. L. Fort on the 6th of May, 1878, A Bill to authorize the Commissioners of the General Land Office to adjust and settle the claim of the State of Illinois, and of other states for indemnity for swamp lands sold by the United States, and to bring about such other measures of relief as will hasten the final adjustment of all claims of the State of Illinois against the Government of the United States.

STATE PRINTING.

WHEREAS, complaints have been made, that the contractor for State printing of the first class is not complying with his contract, in this: that he is not executing the orders for printing, "promptly and with out delay," as required by law; therefore

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Resolved, by the Senate, the House of Representatives concurring herein, That a special committee of two from the Senate, and three from the House be appointed, to be named by the presiding officers of the Senate and House, respectively, who shall without delay, investigate said complaint, and report at the earliest day, and that they inquire as to whether bills of the Senate, and House are printed in their regular order, and if not, for what reason and what influence prevents bills from being printed in their order.

EXECUTIVE DEPARTMENT,
OFFICE OF SECRETARY OF STATE.

UNITED STATES OF AMERICA,
STATE OF ILLINOIS. } ss.

I, GEORGE H. HARLOW, Secretary of State of the State of Illinois, do hereby certify that the foregoing published acts of the Thirty-First General Assembly of the State of Illinois, are true and correct copies of said acts, which have been approved by the Governor or that have otherwise become laws, and filed in the office of the Secretary of State, with the exception of words or letters printed in brackets, thus: []; and that the foregoing published joint resolutions are true and correct copies of the same as filed in this office.

[SEAL.]

IN WITNESS WHEREOF, I have hereto set my hand and affixed the great Seal of State, at the city of Springfield, this first day of July, A. D. 1879.

GEO. H. HARLOW,
Secretary of State.

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